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Exploring Business Strategies for Assuring Compliance to Changes in Employment Law

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Walden University

College of Management and Technology

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Kyla Michelle Vanchieri

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Walden University
2022

Abstract

Exploring Business Strategies for Assuring Compliance to Changes in Employment Law

by

Kyla Michelle Vanchieri

MS, Stevenson University, 2011

BS, Towson University, 2009

Doctoral Study Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Business Administration

Walden University

June 2022

Abstract

Noncompliance with employment and labor laws can result in compensatory and punitive damages, adversely impacting business profitability. Human Resources (HR) personnel who lack strategies to anticipate and react to changes in employment laws risk penalties for noncompliance, resulting in reduced profitability. Grounded in the top-down model of adaptation and political risk management, the purpose of this qualitative multiple case study was to explore strategies some HR personnel use to anticipate and react to changes in employment laws to avoid compensatory and punitive damages. The participants included nine HR personnel from nine organizations in the District of Columbia, Maryland, and Virginia tri-state area who implemented successful strategies to align with mandated legislation and other existing and new employment laws. Data were collected using semistructured interviews and a review of company documents related to applicable labor laws. Thematic analysis was used to analyze the data. Three themes emerged: (a) strategies to anticipate and react to changes in employment laws; (b) strategies to anticipate and react to changes in “ban the box” legislation; and (c) obtaining feedback on reacting to changes in employment laws. Key recommendations include: (a) providing employment law compliance education and training programs for all supervisors and HR staff; (b) changing the company culture and values, beginning with upper management; and (c) collaborating with the legal team to ensure compliance. The implication for positive social change includes the potential for increased employment among marginalized members of society, including persons with criminal histories, which may reduce crime rates, recidivism, and reliance on government assistance programs.

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Dedication

I would like to dedicate this work to my husband, Anthony, and my four boys, Jayden, Anthony, Preston, and Isaiah. I would also like to thank my family and friends who have kept me going when it was easier to give up.

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Section 1: Foundation of the Study

Background of the Problem

The six elements of the macro environment include economic, social, cultural, technical, political, and legal factors that impact an employer's innovation potential and profitability (Gheorghe et al., 2016). Monitoring the external factors has a cultivating influence on an organization (Nekrasov & Melnyk, 2017). Nekrasov and Melnyk suggested that the application of the strengths, weaknesses, opportunities and threats (SWOT) analysis is a useful strategy to help businesses organize the process of considering all external factors. The study of the external environment may lead to an increased organizational awareness of the factors that may influence and have bearing on the sphere of operations of an organization (Nekrasov & Melnyk, 2017).

A review of the political and legal factors will invariably reveal the limitations of the employer's abilities to maintain complete control over operations due to political influence and legislation (Gheorghe et al., 2016). Failing to comply with existing and new legislation often results in time-consuming resources to take corrective actions, fines, loss of business integrity and reputation. As a recent legal development, a growing trend emerged from a 2003 initiative, to enact statutes that involve "ban the box" on job applications, referring to criminal history box or field in employment applications (Von Bergen & Bressler, 2016). The purpose behind this inclusive legislation is to encourage employers to place qualifications at the forefront when considering an applicant for employment (Von Bergen & Bressler, 2016). Human resources (HR) managers must ensure compliance with new and existing employment laws to mitigate adverse organizational impacts resulting from legal fines, negligent hiring, and loss of profit.

Therefore, an exploratory study to identify effective strategies to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages, may be beneficial.

Problem Statement

Noncompliance with employment and labor laws can result in compensatory and punitive damages of up to \$300,000 per instance (U.S. Equal Employment Opportunity Commission, EEOC, 2021), adversely impacting business profitability. The cost of noncompliance with Equal Employment Opportunity Commission (EEOC) laws resulted in businesses paying fines totaling \$505 million in fiscal year 2018 (EEOC, 2019). The general business problem is that a lack of preparedness to comply with new employment laws, such as changes resulting in inclusive hiring practices mandated by “ban the box” legislation (Green, 2016), often leads to losses in organizational performance. The specific business problem is that some HR personnel lack strategies to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages.

Purpose Statement

The purpose of this qualitative multiple case study was to explore strategies some HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. The study included semistructured interviews of nine HR personnel from nine organizations located in the District of Columbia, Maryland and Virginia tristate area who have implemented successful strategies to align with mandated legislation and other existing and new employment laws. The implications for positive social change from the findings of this study include the potential to formulate a strategy that is equitable and ensures non-biased practices in the employment process. The findings of this study may increase employment among

marginalized members of society, including persons with criminal histories, which may thereby reduce crime rates, recidivism, and reliance on government assistance programs.

Nature of the Study

There are three research methods: qualitative, quantitative, and mixed. The qualitative research method is appropriate to characterize phenomena through exploratory measures; therefore, this method is suitable to explore and gather in-depth insights on business strategies beneficial to business operations (Firestone, 1987), such as strategies to avoid compensatory and punitive damages. The quantitative research methodology is often used to examine the effects of variables, using numbers and statistics (Abrahamsson et al., 2019), and is not appropriate for this study, because the aim is to explore business strategies, where the results may be unquantifiable. Using the mixed method requires using both qualitative and quantitative methods to develop findings and conclusions (Wisler, 2018), which was not suitable for this study involving first-hand business experiences that does not require the examination of variables' characteristics or relationships using statistical analysis. I therefore selected to use the qualitative method for the study.

Common qualitative designs include exploratory case studies, grounded theory, ethnography, and phenomenology. The exploratory multiple case study design is useful in qualitative research, to explore strategies to help ensure business viability (Lupo & Stroman, 2020). Other designs would not be appropriate, such as the grounded theory design, which involves the development of theories to explain phenomena (Flynn & Korcuska, 2018). The ethnographic design involves on-site observations of people, behaviors, and organizations to characterize groups' cultures (Hare et al., 2018); however, extensive observations are not needed

to interview employers regarding experiences. Hence the ethnographic design would not be suitable for the intended research. The phenomenology design involves the study of the personal meanings of participants' experiencing a phenomenon (Darvin, 2020), which is used to capture meanings of participants' lived experiences; therefore, it was not necessary to explore the strategies some HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. The case study design was appropriate to explore the effective strategies and supportive business processes implemented, and gain insights into first-hand experiences of the business implications on complying with and managing mandates arising from the imposition of recent legislation. Using a multiple case study design provides more substantial data that allow for comprehensive analysis (Yin, 2014); whereas a single case study design was not effective in comparing strategies' effectiveness across multiple organizations. A multiple case study design was therefore expected to be appropriate to explore how organizations prepare for and react to change in an environment altered by new legislation.

Research Question

What strategies do HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages?

Interview Questions

1. What are the compensatory and punitive damages your organization may experience with failing to comply with employment law?
2. What strategies does your organization use to monitor, anticipate, and prepare to address changes in the external legal environment to assure compliance to mitigate compensatory and punitive damages?

3. What were the key barriers to implementing the strategies for the identification and implementation process of employment laws for your organization?
4. How have you been addressing key challenges to implementing your organization's strategies to assure compliance with employment law?
5. How, if at all, do your organization strategies solicit feedback from middle and lower management on changes to internal business practices in response to changes in employment law?
6. How has your organization developed strategies in response to the enactment in 2020 for "ban the box" legislation when considering an applicant for employment?
7. How have the changes in employment law affected your organization's strategy to select the right applicant and avoid compensatory and punitive damages?
8. What other information would you like to share about strategies your organization uses to anticipate and react to changes in employment laws to avoid compensatory and punitive damages?

Conceptual Framework

The study incorporated two frameworks to explore business strategies for assuring compliance to changes in employment law. The top-down model of adaptation can be used to evaluate the integration of ideas throughout the various levels of management. Political risk management includes the identification and analysis of the legal environment to mitigate and manage risks. Both frameworks can be useful in the study to explore the strategies used to assess the external environment through political risk management and develop strategies to address those changes through the top-down model of adaptation.

The top-down model of adaptation was introduced by Fowler et al. in 2018 and consisted of three key components: (a) all levels of management throughout the organization, (b) fluid communication from bottom to top, and (c) informed and adaptive decisions (2018). Fowler et al. (2018) found that the lack of autonomy at the lower and middle levels of management, prevented organizations from adapting to changes. The invocation of the adaptive models may lead to higher performance outcomes (Fowler et al., 2018), because Andersen and Nielsen (2009) confirmed that autonomy at the lower and middle management levels is a necessity for developing and implementing effective business strategy. As drivers of emergent strategy, the participation of lower and middle management, creates adaptive behaviors for the organization.

Fowler et al. (2018) found that engaging in fluid communication includes communication from all levels of management, which involves soliciting employee feedback, soliciting advice from industry colleagues, and communicating changes from the top of the organization. Making informed and adaptive decisions involves the combination of autonomy, gained insight, and fluid communication to prevent organizations from excluding key information to develop strategy (Fowler et al., 2018). Therefore, I expect the top-down model of adaptation to be an appropriate lens for exploring how the participating organization, developed and implemented strategies for anticipating and addressing changes in employment law, because this model requires management at all levels to participate in making informed and adaptive decisions through fluid, bottom-up communication.

Another framework to evaluate involves political risk management. Political risk management applies to the strategies employers may use to implement changes mandated by legislation. D'Agoût (2020) defined political risk management as a concept to codify the impact

of regulations and manage the resulting complexities. Political risk management allows organization to refocus efforts on creating a stable environment to eliminate fears and reduce the inability to maintain discord (D'Agoût, 2020). In the absence of political risk management, nothing is gained (D'Agoût, 2020); therefore, effective management involves monitoring, reviewing, and reporting trigger points and escalation processes, along the risk hierarchy level and within the tolerance level. This notion of failing to mitigate risks, and the resulting ineffectiveness is further supported by Markowitz (1952), who suggested that nothing is gained if nothing is ventured. The application of this framework for the study may serve to assess the strategies to use to prioritize and assess the aptitude and severity of the changes in the legal environment, which may assist an organization in identifying the risks and applying internal resources to mitigate those risks.

Operational Definitions

Ban the box: “Ban the box” legislation prohibits employers from making inquiries about the criminal record of an applicant, restricts the type of information that can be considered by employers, or delaying the background check until after a conditional offer has been made, of which the offer cannot be retracted (Minor et al., 2018).

Legal environment: The legal environment includes external factors that has a significant impact on the success of an organization, by what of direct and implicit means (Khuong et al., 2020).

Negligent hiring: Negligent hiring is fault that involves the employer’s failure to complete appropriate checks and verification that results in onboarding an employee that may

pose a risk to the organization, by way of a threat to the employees or customers (Rushchenko et al., 2020).

Assumptions, Limitations, and Delimitations

Assumptions

Assumptions are defined as facts and truths, of which researchers may challenge such assumptions to add intellectual value and provide practical impact to the study (Walckirch, 2020). An assumption of the study was that participating HR personnel will relinquish full knowledge of business practices during the interview process. A second assumption was that HR personnel who agree to participate in the study, may do so with intentions to share pertinent information. Another assumption was that participants are fully compliant with new employment legislation.

Limitations

Limitations are defined as uncontrollable imposed risks beyond the researcher's control, and potential weaknesses that may impact the study design and results (Theofanidis & Fountouki, 2018). The potential limitation of the study included the availability of organizations that were required to comply with employment laws because compliance may not be a requirement for some employers who have security risks that involves hiring individuals without criminal histories, such as in childcare facilities or organizations where a security clearance is required.

Delimitations

Delimitations involve the factors that a researcher can control such as the research questions, variables, and objectives (Theofanidis & Fountouki, 2018). The scope of the study

involved the strategies used to anticipate and react to changes in employment law. Delimitations of the study may include the type of industry in which the research involves, the size of the organizations, and the participants selected to interview. Another delimitation was the geographic area identified for the study, which may not be an accurate reflection of strategies used in other geographic areas.

Significance of the Study

The findings from the study may be of significance to HR personnel, individuals with criminal histories, as well as communities. The study findings may contribute to advancing the understanding of effective practices including business responsibility through the prevention of ancillary costs and resources, improvement of hiring practices conducive to evolving legal environments, and the creation and improvement of inclusive hiring models. The implications for positive social change could result in growing employment opportunities among marginalized members of society, including persons with criminal histories.

Contribution to Business Practice

The findings, conclusions, and recommendations from this study could fill gaps in the understanding of effective employer responsibilities to increase organizational awareness of developing legal issues impacting an employer's strategies to assure compliance with employment law. Study findings may include efficient approaches to prepare employers to implement organizational changes in alignment with new employment legislation. Employers may use the recommendations of the study to monitor the external environment and apply risk management and appropriate strategies to reduce efforts required for taking corrective actions involved with organizational noncompliance as it relates to new employment legislation. Study

recommendations may therefore improve associated operative methods to reduce the financial losses associated with failing to monitor the external environment.

Implications for Social Change

The implications for positive social change involve the improvement of the social well-being of communities, and applicants affected by new employment legislation. Positive social change may involve an improvement by providing resources to those employment-challenged individuals and reducing associated expenses of communities, by reducing unemployment rates and potentially the negative effects of crime. By implementing new hiring practices, the recommendations of this study may provide encouragement and reassurance to employers to prioritize applicants' qualifications when considering hiring individuals with unfavorable backgrounds.

A Review of the Professional and Academic Literature

The literature review of this study contains a critical analysis and synthesis of the top-down model of adaptation and how to manage political risk. The theories contained in this section includes the necessary elements an employer may encounter when developing strategies to monitor the external environment. The top-down model of adaptation is a process that engages all levels of management within an organization to determine best practices and approaches. Political risk management includes the risk assessment an organization may observe in terms of ensuring compliance with external legal factors. Both elements contribute to effective strategies employed by organizations to monitor and comply with the legal environment, and to understand the implications of non-compliance such as compensatory and punitive damages. There are 99 references, of which 86.9% are peer-reviewed, and 76.8% are from sources between the years

2017 and 2021. This section includes an analysis of the top-down model of adaptation, along with the foundation, advantages, and application of the theory. This section also includes an analysis of effective political risk management strategies. Also included in this section is an analysis of rival theories for the top-down model of adaptation and political risk management. The rival theories of the top-down model of adaptation include top-down management, bottom-up management, and outside-in management. The rival theories of political risk management include crisis management and risk tolerance. This section also contains an analysis of inclusive hiring practices, employment law, “ban the box” legislation, and the compensatory and punitive damages for noncompliance with employment law.

To develop the literature review for the study, I used the Walden University academic library to search for peer reviewed journals using the EBSCO database. Using EBSCO, I inputted key words containing business models for top-down management approaches, and alternate approaches including bottom-up and outside-in management models; specifically, I used the following terms: *top-down management*; *bottom-up management*; and *outside-in management*. I also used key words containing an analysis of political risk management, and alternate theories including crisis management and risk tolerance; specifically, I used the following terms: *political risk management*, *crisis management*, *risk tolerance*, *political risk*; and *business risk*. To analyze the topic and elements of the intended research, I used the following terms: *qualitative research models*; *interviews*; *employment law*; *political risk*; “*ban the box*” *legislation*; *finest*; *inclusive*; and *hiring practices*.

Top-down Model of Adaptation

The top-down model of adaptation contains three key components: all levels of management throughout the organization, fluid communication from bottom to top, and informed and adaptive decisions (Fowler et al., 2018). Alternatively, the lack of autonomy at the lower and middle levels of management prevents organizations from adapting to changes (Fowler et al., 2018). Top-down management serves as an effective tool in situations where hierarchy, centralization and overhead control are involved (Klassen & Evans, 2020).

Foundation of the Model

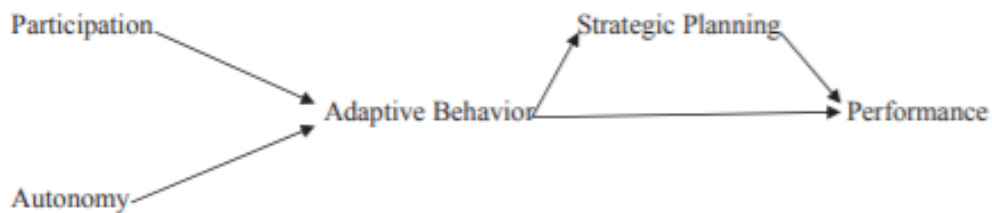
The foundation of the top-down model of adaptation includes the progression of strategic adaptation, high power distance and adaptive strategy models. High power distance is identified as the lack of autonomy for lower and middle management, which poses a hinderance to adaptation (Hofstede, 1980). This power distance is further defined as the extent in which lower-level managers accept and expect that power is unequally distributed, with that inequality endorsed by those who follow leadership (Hofstede, 1980). As deduced from this theory, unequal distribution of power and decision-making is accepted by lower-level managers and the leadership who influence such cultures (Fowler et al., 2018).

Adaptive strategy models introduce autonomy at the lower and middle management levels (Andersen & Nielsen, 2009). Strategic adaption is created through autonomy and participation in strategies and business decisions by including lower and middle management levels (Fowler et al., 2018). Therefore, an organization with high power distance may be at a disadvantage to change the organizational culture (Fowler et al., 2018). The adaptive strategy-making model consists of participation and autonomy leading to adaptive behaviors, which

creates strategic planning and consequently impacts performance (Figure 1). Fowler et al. found the adaptive strategy-making model describes that adaptive behavior is created through autonomy and participation in strategic decisions by lower levels of management. According to this model, lower and middle management are the drivers of emergent strategy, and the role of leadership is to filter the decisions and actions of lower-level managers through a broadened lens of corporate strategic plans, which is the intended strategy (Andersen & Nielsen, 2009). This model emphasizes the importance of creating fusion between emergent and deliberate strategies (Fowler et al., 2018).

Figure 1

Andersen and Nielsen's Adaptive Strategy-Making Model



Note. From “Adaptive Strategy Making: The Effects of Emergent and Intended Strategy Models,” by T. J.

Andersen and B. B. Nielsen, 2009, *European Management Review*, 6(2), p. 94-106

(<https://doi.org/10.1057/emr/2009/7>).

Model Advantages

The advantages of the top-down model of adaptation include autonomy and business performance outcomes. Fowler et al. (2018) found that the lack of autonomy at the lower and middle levels of management, prevents organizations from adapting to changes. Therefore, including lower and middle management staffs can allow organizations to adhere to evolving

strategies as it relates to the changes in external conditions. Andersen and Nielsen (2009) confirmed that autonomy at the lower and middle management levels is necessary for emergent strategies. Therefore, the invocation of the adaptive models may lead to higher performance outcomes. As drivers of emergent strategy, the participation of lower and middle management, creates adaptive behaviors for the organization. Fowler et al. found that engaging in fluid communication includes communication from all levels of management, which includes soliciting employee feedback, soliciting advice from industry colleagues, and communicating changes from the top of the organization. Making informed and adaptive decisions includes the combination of autonomy, gained insight, and fluid communication to prevent organizations from excluding key information to develop strategy (Fowler et al., 2018).

Application of the Model

Fowler et al. (2018) found that the lack of autonomy at the lower and middle levels of management, prevents organizations from adapting to changes. Andersen and Nielsen (2009) indicated that the invocation of the adaptive models may lead to higher performance outcomes. Incorporating the top-down model of adaptation into the study may provide the theoretical lens to aid in the assessment of authenticity and measured effectiveness of business strategies used in anticipation of the evolving external legal environment through all levels of the organization. The collective participation of those included in all aspects of business operations subject to changes imposed by employment law will aid in effective implementation of business strategies.

Alternate Frameworks Not Selected for this Study

Three alternate frameworks were considered, but not used as the conceptual framework for this study: top-down management, bottom-up management, and outside-in management.

Top-down management is described as a management style that is defined by upper-management (Martinich, 2016). Bottom-up management is defined as an approach in which the team provides significant input as it relates to business operations (Martinich, 2016). Outside-in management is defined as an approach that is influenced by the benefit of external knowledge (Arrigo, 2012).

Top-down Management. Top-down management is an alternate model that includes business operations dictated by leadership. Martinich (2016) described the top-down management style as one that is defined by upper management and executed out by team members expected to carry out the plan. The advantage of this management style is that the environment is controlled, and the results are easily measured to determine the effectiveness of plans (Martinich, 2016). Top-down management approaches would be appropriate in organizations where processes are well-understood, and the results are unknown (Martinich, 2016). The challenge included in the top-down level management approach is that executive level managers may fail to thoroughly represent the best interests of the organization, which results in ambiguity (Martinich, 2016). Therefore, Martinich found that resolving such discrepancies may offer some absolution to any ambiguity from this approach. Martinich offered that organizations may need the team members who are set to carry out the plan, to ask questions, thereby allowing top-level managers to slow down and think pragmatically, instead of making unrealistic and immediate decisions. Martinich also identified undervalued team members as a challenge with the top-down level management approach. In this situation, team members may believe that their opinions are unheard (Martinich, 2016); thereby, creating a stagnant environment where the individuals who are responsible for carrying out the plan are not doing so to their fullest potential.

Bottom-up Management. Another alternate theory includes business operations based on decisions of team members or lower and middle management, as posed in the bottom-up management approach. The bottom-up management approach allows team members to determine the course of action for an organization (Martinich, 2016). The bottom-up approach may be advantageous to an organization in situations where innovation is warranted and rewarded. Creativity and team engagement are encouraged in the bottom-up management approach (Martinich, 2016). The level of engagement in the bottom-up approach of the team members who will carry out the plan allows the organization to implement plans reflective of the actual work required to carry out such plans (Martinich, 2016). Another advantage of the bottom-up management approach is transparency (Martinich, 2016), as engagement includes more individuals. Although bottom-up management contains opportunities for increased engagement and collaboration, there are disadvantages that will not be appropriate for this study. The bottom-up management approach places an emphasis on lower-level management engagement and reduces the level of control from the top-level executive team (Martinich, 2016). The bottom-up management approach also creates risks where projects, processes and approaches may not be in alignment with the goals of the organization (Martinich, 2016).

Outside-in Management. The third rival theory includes outside-in management, of which business decisions are influenced by external factors. The outside-in management approach instills the external knowledge of the organization (Arrigo, 2012). The outside-in management approach also includes exploration and exploitation of which Arrigo described as a process to monitor the environment to source knowledge from stakeholders. Arrigo opined that the outside-in management approach provides the opportunity for organizations to gain new

insights and access to innovative strategies. Although the outside-in management approach offers external perspectives, this approach was not appropriate for the study as the implementation of mandated legislation would not be through the efforts of external stakeholders because HR personnel would be involved in ensuring employment laws are effectively pursued by the organization.

Political Risk Management

Political risk management incorporates the management of risk that arises from political factors. D'Agoût (2020) defined political risk management as a concept to codify the impact of regulations and manage the resulting complexities. Since political risk management may be difficult to quantify and deconstruct, the application of political risk management as explained by the researcher, may impact an organization's ability to better understand the implications, causal chain of events, and probability. D'Agoût refocused efforts on creating a stable environment to eliminate fears and reduce the inability to maintain discord. The researcher further suggested that in the absence of risk management, nothing is gained; therefore, effective management includes monitoring, reviewing, and reporting trigger points and escalation processes, along the risk hierarchy level and within the tolerance level.

Political risk management contains three approaches: new institutional economics, new institutional theory, and national business systems (John & Lawton, 2018). Each approach contributes to the foundation of political risk management. New institutional economics focuses on how the uncertainty of political and regulatory constructs shape employer decisions; the new institutional theory suggests that institutions implement necessary measures that trigger similar reactions among other organizations and lead to homogeneity in the industry; and, the national

business systems approach exerts control over political risk by exploring the possibility that organizations operate within environments with similar institutional frameworks to benefit from existing approaches to political risk management (John & Lawton, 2018). All three approaches encompass political risk management and addresses the complexity of such (John & Lawton, 2018).

Successful political risk management strategies include consistency. Chang et al. (2018) found that successful political risk management strategies include sufficient resources to inundate the decision-making process on a consistent basis. Implementing an effective political risk management strategy includes ensuring that political risk management is infiltrated throughout the life of the project (Chang et al., 2018). Organizations also benefit from ensuring that political risk management is implemented between several other projects, and at different levels of the organization (Chang et al., 2018).

Foundational Theories

There are three approaches that constitute the foundational aspects of political risk management, which includes new institutional economics, new institutional theories, and the national business systems (John & Lawton, 2018). A combination of these approaches encompasses the foundation and complexities political risk management (John & Lawton, 2018). New institutional economics focuses on how the uncertainty of political and regulatory constructs shape employer decisions (John & Lawton, 2018). Risks that include uncertainty due to underdeveloped judicial and financial systems, corruption and engagement in political conflicts increase business costs (John & Lawton, 2018). Focusing on the reaction of the organization as it relates to political risks necessitates the ability of an organization to take a

proactive approach to influence institutional structures; however, the new institutional economics approach influences the effective use of lobbying and donations in environments where politics creates instability (John & Lawton, 2018). Political risk management includes the effective implementation of organizational sociology by placing an emphasis on social structures, societal relationships, and social pressures that influence organizations and their responses to political risk (John & Lawton, 2018). Researchers found that the reaction of the organization is embedded in socially motivated factors such as culture, history, formal rules, and enforcement systems. In new institutional economics, organizations enter politically unstable environments with less risky modes of entry or by identifying an environment using the organizational sociology factors as identified through new institutional theories (John & Lawton, 2018).

New institutional theories include implementation of measures adopted by organizations that result in consistency. John and Lawton (2018) indicated that new institutional theories suggest that institutions implement necessary measures that trigger similar reactions among other organizations and lead to homogeneity in the industry. The new institutional approach to mitigating political risk includes the mimetic, normative, and coercive pressures, which organizations emulate the responses of other organizations (John & Lawton, 2018).

Organizations may alternatively ignore economic rationality and focus on normative rationality as a matter of the legitimacy of experienced organizations or common strategies implemented by the industry (John & Lawton, 2018). In an environment with high political risks, a common course of action may include emulating the approaches of local organizations who have experienced success (John & Lawton, 2018).

The national business system is a combination of the new institutional economics and new institutional theory. The national business systems approach exerts control over political risk by exploring the possibility that organizations operate within environments with similar institutional frameworks to benefit from existing approaches to political risk management (John & Lawton, 2018). The concept of this approach is embedded in the existing relationship between societal institutions and economic and societal outcomes (John & Lawton, 2018). This approach examines how differing strategies impact the variations in political risk and managing such risks, which is possible when an organization asserts risk management by entering environments with similar frameworks where they would benefit from existing approaches (John & Lawton, 2018).

Effective Political Risk Management Strategies

Chang et al. (2018) found that successful political risk management strategies include recurring and consistent analysis, as well as thorough implementation. Chang et al. indicated that an organization benefits from infiltrating political risk management strategy thoroughly between organizational projects and at different levels of the organization. Failure to implement political risk management throughout the organization creates opportunities where there is a lack of comprehensive understanding of the risks, an overemphasis on short-term projects by neglecting the over-arching goals of the organization, limited resources and improper resource allocation, and lack of accumulation (Chang et al., 2018). Therefore, effective implementation of risk management approaches includes consistent analysis, monitoring the external legal environment and making improvements as necessary (Chang et al., 2018). Change et al. applied the objectives of political risk management by identifying possible risk management strategies that can be used to appropriately address encountered political risks, assessing the importance of the strategies,

and exploring the strategies as it relates to measures for practical application. Chang et al. (2018) implemented 27 risk management strategies, which include conducting market research; buying risk insurance; avoiding misconduct; adopting closed management; supporting environmental protection; abiding by the traditional local culture; making contingency plans; implementing an emergency plan; forming joint ventures with local entities; conducting a post-response assessment; sending staff to training programs; settling disputes through re-negotiation; choosing suitable projects; building proper relations with host governments; maintaining good relations with powerful groups; creating links with local businesses; changing the operation strategies; maintaining good relations with the public, etc. Results yielded the five most important political risk management strategies as choosing suitable projects; building proper relations with host governments; conducting market research; avoiding misconduct; and choosing a suitable entry mode. Chang et al. recommended that such strategies be implemented in three different phases, to include the pre-project phase to provide guidance, context and to avoid unacceptable risks; the project implementation phase to adapt to environmental conditions and reduce probability and potential impacts of risks; and the post-event phase to help relieve the actual impact of the risk and accumulate experience in political risk management. Chang et al. found that a variation of six of the 27 strategies should be implemented at each of the three stages. At the pre-project phase, pre-management techniques should include making correct decisions, conducting favorable negotiations, and completing full preparations in order to obtain risk transference, avoidance and premium; at the project implementation phase, interim management techniques should include shaping a good environment and reducing unnecessary mistakes in order to adapt to the environment and for risk reduction; and at the post-event phase, post-management

techniques should include obtaining a reasonable response to obtain risk elimination and experience accumulation (Chang et al., 2018).

Application of the Framework

Political risk management may be applied to exploring effective business strategies to assure compliance with changes to employment law. Within the context of the study conducted by Chang et al. (2018), political risk management was a less-ventured topic as it relates to the topic of the research, which is relative to the implementation of new legislation as it pertains to the topic of the study. The application of political risk management may serve to assess the prioritization, aptitude, and severity of the legal environment, which may assist an organization in identifying the risks and applying internal resources to mitigate those risks. As it relates to the 27 strategies identified by Chang et al. making corrective decisions includes conducting market research, choosing a suitable entry mode, choosing suitable projects, building proper relations with host governments, implementing a localization strategy, and controlling core and critical technology. As applied to monitoring the legal environment to properly implement new legislation, the results of market research and risk assessment can ensure proper decision-making to choose a flexible entry mode and reduce exposure to fluctuating risks (Chang et al., 2018). As a matter of influence, the relationship of the organization with the government is an important factor (Chang et al., 2018), which provides a level of support and convenience. As explained by John and Lawton (2018), the new institutional approach to mitigating political risk includes the mimetic, normative, and coercive pressures, which organizations emulate the responses of other organizations. Therefore, localization is a suitable method to integrate into a new society (Chang et al., 2018), or new ideal.

Another approach examined by Chang et al. (2018) that applies to implementing new legislation includes the process of reducing unnecessary mistakes that includes a variation of the 27 identified strategies, such as avoiding misconduct, employing capable local partners, supporting environmental protection, abiding by the local culture, and adopting closed management. Such strategies were adopted with the understanding that non-compliance leads to misconduct or unfavorable consequences such as loss of business profitability. Therefore, complying with local culture and making useful connections with local partners reduces costs, improves work efficiencies, and gains legitimacy under pressure (Chang et al., 2018).

Chang et al. (2018) proposed an alternative methodology that includes completing full preparations which includes making contingency plans, sending staff to training programs, allocating extra funds and purchasing risk insurance. To include an effective contingency plan in the political risk management strategy, an organization is then prepared for risk prediction and analysis, dispute settlement, action roles and responsibilities, equipment, and strategies (Chang et al., 2018). This strategy was a way for organizations to prepare for uncertain circumstances as in situations with new legislation.

A less impactful strategy identified by Chang et al. (2018), includes shaping a good environment by maintaining good relations with powerful groups, maintain good relations with the public, linking with local businesses, and building a reputation. This approach allows the organization the opportunity to quickly assess a crisis and enhance the ability to resist risk (Chang et al., 2018). Another less impactful strategy identified by Chang et al. included conducting favorable negotiations by adopting optimal contracts, making higher offers, and obtaining the corresponding guarantee.

Opponents of the Conceptual Framework

Two rival theories discussed in this section include risk tolerance and crisis management. Xi et al. (2019) defined risk tolerance as the amount of acceptable risk in relation to the pursuit of a goal. The amount of tolerable risk is regulated by the general trend of risk aversion and the overall value of the goal and tolerance (Xi et al., 2019). Parker et al. (2020) defined crisis management as the collective efforts of multiple entities working across boundaries, different management levels to prepare the organization to respond to and learn from risks. As a crisis includes a situation that may impact core values as it relates to uncertain circumstances, the management of crises includes preparedness, mitigation, response, recovery, and learning (Parker et al., 2020).

Crisis Management. Crisis management contains collaboration across sectors to effectively prepare for complex situations, which includes changes such as the environment, climate, security, disaster response, agriculture, economy, health, and emergency management (Parker et al., 2020). The levels of collaboration explored by Parker et al. included starting-points and triggers for crisis management collaborations, formal planning versus emergency collaborations, level of collaboration, bottom-up and top-down processes, the upscaling dilemma, goal-formulation, adaptation through intra-crisis learning, the involvement and role of non-state/governmental actors, and the prevalence of political infighting. The limitations of crisis management include substantial time and resources that are dedicated to the establishment of a routine and process to mitigate the risk (Parker et al., 2020). Although crisis management has positive factors that include collaboration, Parker et al. found that the limitation of their study included the inability to capture all aspects of collaboration.

I did not choose to examine my problem through the theoretical lens of crisis management because collaborative efforts do not encompass new legal mandates that may require long-term measures. As indicated by Parker et al. (2020), collaborative efforts that include government actors are used in situations for less formalized arrangements in response to an acute need. Wisittigars and Siengthai (2019) identified limitations to crisis management as examining strategies in limited geographical areas, which may limit the effectiveness of the research since the local context of the situation is unique. Another limitation identified by Wisittigars and Siengthai includes leadership competencies as it relates to the crisis in comparison with varying levels of leadership competencies in other crisis situations. Taking into account the limitations of this theory, political risk management was best suited for this study, as that approach infiltrates various levels of management at various stages of the implementation process, which includes several factors of pre-planning, implementation planning, and post-event analysis as may be imposed with new legislation that causes lasting changes to the operations of the organization.

Risk Tolerance. Risk tolerance is described as a prerequisite as it relates to developing a plan (Roszkowski & Davey, 2010); therefore, risk tolerance was used in situations where risk was apparent. Roszkowski and Davey (2010) defined risk tolerance as a concept, personality trait, of which the amount of risk that an individual is willing to accept in pursuit of a goal. The amount of risk can be measured and controlled, such as when an individual uses a thermostat (Roszkowski & Davey, 2010), which will determine the level of risk based on what is tolerable in the situation. Nobre et al. (2018) describe the measure of tolerable risk as a factor that includes a stable risk profile, risk need, and risk perception that are determined by changes in the

environment and evaluations. However, organizations constrained by returns on investment may be forced to scale back the level of risk, which would then impact decision making (Nobre et al., 2018). Although risk tolerance may be determined as a prerequisite included with developing a plan (Roszkowski & Davey, 2010) and the resulting risk aversion to attain a goal, I did not choose to examine my problem through the theoretical lens of risk tolerance. Risk tolerance was measured by the level of tolerable risk; however, the measure of tolerable risk does not apply to new legal mandates that is a required implementation.

Employment Law

The foundation of most employment protections is generated from the purpose that employers treat a worker as an “employee” rather than an “independent contractor” (Bagenstos, 2020). Those employment protections apply to certain employers who employ individuals with specific considerations or conditions and for specific jobs (Bagenstos, 2020). Specific considerations for employment protections may include employers who employ individuals with disabilities, or employers who employ individuals with criminal histories. However, employers may face challenges in determining if employment laws are applicable to their organization. As the economy shifts to independent work for many individuals, such as with Uber or Lyft drivers, the growing controversy in employment law has been who is considered an “employee” versus an “employer” (Bagenstos, 2020). This controversy of “employee” versus “employer” describes the difficulty of labeling an individual who completes independent work under companies where individuals are provided with more autonomy as it relates to their work schedules, geographical area of work, etc. While employer protections can provide appropriate protections for employees, independent workers who may be considered their own “employers” may be exempt

from such employer protections, as their independence may not qualify them to be labeled as an “employee.”

Identifying an employee as an independent contractor does not obligate an employer to adhere to employee protections. To determine if employment law is an obligation for an employer, the classic common law control test is an approach that is legally recognized as the hiring party’s right to control the manner and means by which the product is accomplished (Bagenstos, 2020). By enforcing the common law control test, an employer can potentially be relieved from their obligations of employment law without making a change in their operations through establishing evasive contract terms for their organization (Bagenstos, 2020).

Another challenge with employment law involves the ability of employers to navigate a global pandemic while ensuring compliance with applicable employment laws. Kaplan et al. (2020) analyzed the impact of employment law related to the COVID-19 shutdown and found that employers will encounter more challenges when enforcing employment laws. However, employers can effectively implement such laws by consulting with counsel knowledgeable and current (Kaplan et al., 2020). Therefore, employers can apply effective strategies and make well-informed decisions to institute employment laws. Effective strategies reduce the risk of claims in employment law (Kaplan et al., 2020).

Compensatory and Punitive Damages for Noncompliance

Employers may face compensatory and punitive damages for noncompliance with employment law. Implementation failure of legislation leads to insufficient communication, lack of accountability, and a lack of resources (Anderson, 2019). For example, Garrett (2021) found that compliance issues with employment law for an employment verification database resulted in

employers incurring civil fines, debarment proceedings against companies that hired illegal workers, and prohibited employers from obtaining work on federal contracts. Another example of noncompliance with applicable employment laws involves immigration violations for an employer, which resulted in the employer paying \$21 million in fines, including back wages and civil penalties (Garrett, 2021). The employer identified by Garrett (2021) was also charged with immigration violations, and the employer was obligated to agree to take measures to ensure compliance with applicable employment laws. Employers face substantial compensatory and punitive damages to the organization and affected employees when failing to comply with employment law. Garrett (2021) indicated that in 2016, an organization that failed to comply with immigration employment law was required to pay \$19.6 million for submitting fraudulent visa applications for workers, and another organization in 2018, was penalized for noncompliance with immigration employment laws, which resulted in a raid where over 300 employees were arrested.

In ensuring compliance with employment law, employers may be required to report information to the EEOC for review of employee information. The EEOC and Office of Federal Contract Compliance Programs instituted mandatory policy for employers to provide data for research purposes, of which the EEOC requires employers with more than 100 employees to submit reporting data (DiMaria, 2016). Employers who fail to report this information are subject to fines or imprisonment.

There are challenges with complying with employment law, such as with hiring individuals with criminal histories with the implementation of “ban the box” legislation. Employers are often faced with unfamiliar challenges involved with business accountability and

financial risks as it relates to changing hiring practices in conducting initial criminal background checks (Von Bergen & Bressler, 2016). Negligent hiring is an often-overlooked external factor that involves employer liability and time-consuming hardships associated with the risks of hiring individuals with a criminal background (McConnell, 2015). However, effective strategies can reduce the compensatory and punitive damage that are involved with noncompliance with employment laws.

“Ban the Box” Legislation

What started in 2003 as an advocacy matter, then evolved into national legislation, introduced by Senator Booker in February 2019 as the Fair Chance to Compete for Jobs Act of 2019, which prohibits federal agencies and contractors from requesting that an applicant provide information on their criminal background before receiving an offer of employment. “Ban the box” legislation was implemented to assist with individuals with criminal histories to obtain legitimate employment (Minor et al., 2018). This legislation prohibits employers from making inquiries into an applicant’s criminal record until a conditional offer of employment has been made (Minor et al., 2018). Once the background check is completed after the offer is extended, and if the employer decides to remove the employee from the company based on the information discovered during the criminal background check, the employer would need to provide a notice of intent to take an adverse action, copy of the report the adverse action is based upon, and a copy of the Federal Trade Commission’s summary of rights (Green, 2016).

“Ban the box” legislation was instituted to ensure fair treatment of individuals applying to jobs. The EEOC found a disparate impact on African Americans when employers required criminal background checks, thereby increasing statistical discriminatory employment practices

(Minor et al., 2018). With the implementation of “ban the box” laws, there is potential to improve employment prospects of individuals with criminal records, of which employers are encouraged to re-evaluate their assumptions about applicants with criminal records by studying their own workforce and current practices (Minor et al., 2018). Policies across both public and private sectors may vary as it relates to the type of employers required to follow the law, the positions, the timeframe at which employers could inquire such criminal history, and the guidance for employers to adhere as such (Von Bergen & Bressler, 2016). An exception that is implemented nationwide is the exclusion of jobs that require mandatory background checks, such as in childcare, schools, law enforcement, etc. (Von Bergen & Bressler, 2016). Local regulations in over 19 states placed restrictions on employers on: what can be asked prior to hiring an applicant; when inquiries can be made regarding criminal background; and how far back into the criminal history the employer can investigate (Von Bergen & Bressler, 2016). As “ban the box” legislation reshapes established hiring practices, employers are having to adapt to becoming more inclusive and forced to evaluate skills of job applicants first (Green, 2016). The cost of negligent hiring outweighs the benefit of the economic impact (Green, 2016); although some employers benefit from hiring individuals with criminal histories, such as with tax credits under the Work Opportunity Tax Credit of 1996. There is an increased reliability on criminal histories and increasing employer unwillingness to hire those individuals, as the concern for negligent hiring increases (Shethji, 2016). An average of 46% of employers in 2012 who discovered that an applicant had a criminal background, refused to hire the individual regardless of the reason, or extenuating circumstance (Green, 2016). The percentage of employers conducting criminal background checks on job applicants increased from 51% in 1996 to 87% in

2016 (Green, 2016). In compliance with “ban the box” legislation, employers are making paramount decisions to integrate inclusive hiring practices to consider individuals with criminal histories as applicants, while protecting employees (Green, 2016).

Inclusive Hiring Practices

Employers faced with employment law to change hiring practices to implement inclusive strategies face unique challenges to ensure business continuity and increase diversity. Shubeck et al. (2020) indicated that inclusive hiring practices are recommended to mitigate the effects of unconscious bias in evaluating and hiring candidates, thereby improving workforce diversity. Gilbert and Hood (2020) found that creating an inclusive culture is a progressive step towards transformation into welcoming a myriad of individuals into an organization.

Alternatively, there are factors that may discourage employers from inclusive hiring practices. The disadvantages of implementing inclusive hiring practices include establishing exclusive practices for specific applicants; increased costs and resources to effectuate changes; unique efforts of screening applicants; changes in interviewing protocols; and hosting an increased number of applicants through inclusive measures (Shubeck et al., 2020). As society and the demography evolves with time, an inclusive workplace is imperative to the morals within an organization as a shift in the status quo will necessitate changes in workplace practice (Gilbert & Hood, 2020). Strategic inclusive hiring practices involves developing clear guidelines, including intentionally broad job postings; consideration of alternative methods to assess candidate capabilities; and development of organizational policy regarding recruitment and hiring (Shubeck et al., 2020).

Effectuating inclusive hiring practices may involve significant organizational changes that requires leadership intervention. To create a culture with inclusive hiring practices, an employer may find it beneficial to instill inclusive leadership practices. Inclusive leadership comprises positive leadership behaviors to facilitate perceptions of belongingness as individuals work towards a common goal for the organization (Gilbert & Hood, 2020). Organizational inclusion contains inclusive leaders that are humble, developmental, and participative (Gilbert & Hood, 2020). Other factors of creating an inclusive culture include creating an inclusive policy and implementing HR initiatives with equitable compensation, family friendly practice, and training (Gilbert & Hood, 2020).

There are advantages to creating an inclusive and diverse culture, of which inclusion practices involve selective hiring authorities. Employers who ignore the climate of the organizational culture may be looking to hire for the sole purpose to engender tokenism without consideration of other groups (Gilbert & Hood, 2020). As an advantage, employers may use this selective hiring practice to improve workforce diversity. For example, Microsoft instituted inclusive hiring practices by targeting recruitment to include veterans, individuals with autism, and individuals returning to the workforce (Gilbert & Hood, 2020). To implement effective inclusive hiring to improve workforce diversity, employers may include criterion in established hiring practices. Part of the evaluation criteria includes awareness; open-mindedness; and the courage to achieve change objectives (Gilbert & Hood, 2020).

Employers may include generalized approaches and broad strategies to ensure workforce diversity and inclusion across a larger organization and for longer timeframes. Dossett et al. (2019) found an inclusive approach to build and maintain high-performing teams through an

innovative and multifaceted strategy, which includes key components. Key components to the inclusive approach identified by Dossett et al. (2019) involves: mandatory training on the awareness of bias to understand best practices for recruiting diverse groups; a diverse recruitment committee with representation of diverse backgrounds; promoting open positions on job sites of societies with underrepresented groups; utilizing panel interviews of candidates and inviting the candidates to the site during their initial visit; enforcing a standardized interview protocol with behavior-based questions tailored to the role; using a standardized evaluation tool and scoring system to rate each candidate on a ranking scale to provide a summative evaluation of the candidate; and written evaluations and ranking of candidates (Figure 2). Implementation of this strategy resulted in immediate measurable benefits to increase diversity in the applicant pool through gender, race, and underrepresented groups. Overall, the inclusive approach provided opportunities to develop and evaluate practices to broaden applicability and advance a diverse workforce.

Figure 2

Comparison of Traditional Hiring Process with a New Multifaceted Inclusive Recruitment Process

Component of the hiring process	Traditional hiring	Inclusive recruitment practices
Participants	Department leaders and prospective division partners	Department leaders; prospective division partners; and standing department-wide recruitment committee with diverse representation of specialty, rank, gender, and race
Position justification	Combination of needs-based and opportunistic hires	Primarily needs based; opportunistic hires are highly scrutinized
Advertisement	Limited advertisement meeting university-based compliance policy	Broad and intentional advertisements including through nontraditional venues and to organizations focused on physicians from groups traditionally underrepresented in medicine
Applicant pool	No formal criterion or minimum standards	Requirements for diverse candidate pools
Interview	Individual “get to know you” interviews	Combination of individual “get to know you” interviews and mandatory group interview with standardized, behavior-based questions
Hiring decision	Department leaders	Department leaders based on recommendation by the recruitment committee
Advantages	Faster Perceived lower risk	Reaches broad applicant pool More rigorous and objective
Disadvantages	Increased risk of implicit bias Subjective decision making Overreliance on networks Lack of diverse candidates Lack of coordination/transparency	Costly Slower

Note. From “Building High-Performing Teams in Academic Surgery: The Opportunities and Challenges of Inclusive Recruitment Strategies,” by L.A. Dossett, M. W. Mulholland and E. A. Newman, 2019, *Academic Medicine: Journal of the Associate of American Medical Colleges*, 94(8), p. 1142-1145. (<https://doi.org/10.1097/ACM.0000000000002647>).

Transition

Section 1 included the foundation of the study, which contains the background of the problem, problem statement, purpose statement, nature of the study, research question, interview questions, conceptual framework, operational definitions, assumptions, limitations, delimitations, significance of the study, and a review of the professional and academic literature. As identified in Section 1, the purpose of the study is to explore strategies HR personnel use to anticipate and react to changes in employment law, to avoid compensatory and punitive damages.

Sections 2 will contain structure of the project, which includes the purpose statement, role of the researcher, participants, research method and design, population and sampling, ethical research, data collection instruments, data collection technique, data organization technique, data analysis, and reliability and validity. Included in this section is information on the process for gathering data and experiences from key persons regarding business operations in response to changes in the legal external environment. The process to obtain such information entails effective interviews, extensive research, and practical analysis.

Section 3 will contain the application to professional practice and implications for change, which includes a presentation of the findings, application to professional practice, implications for social change, recommendations for action, recommendations for further research, reflections, and the conclusion of the study. This section will include an in-depth explanation of the application and analysis of the data gathered from the interviews.

Section 2: The Project

Purpose Statement

The purpose of this qualitative multiple case study was to explore strategies some HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. The study included semistructured interviews of nine HR personnel from nine organizations located in the District of Columbia, Maryland and Virginia tristate area who have implemented successful strategies to align with mandated legislation and other existing and new employment laws. The implications for positive social change from the findings of this study include the potential to formulate a strategy that is equitable and ensures non-bias practices in the employment process. The findings of this study may increase employment among marginalized members of society, including persons with criminal histories, which may thereby reduce crime rates, recidivism, and reliance on government assistance programs.

Role of the Researcher

Clark and Vealé (2018) stated that the researcher's role in data collection requires focus and interpretative thinking. It is critical that qualitative researchers share personal assumptions and biases while gathering data to obtain an accurate representation of the topic (Clark & Vealé, 2018). Researchers can become connected to an agenda and develop cellular thinking should they fail to abandon personal opinions to consider broader contexts of the topic (Bush & Amechi, 2019). Researchers should become objective and impartial in every aspect of the study to explore information and present findings with efficacy and integrity.

The U. S. Department of Health and Human Services (1979) has outlined the guiding principles on how research is conducted in the Belmont Report, which contains three basic

ethical principles of: (a) respect for persons, (b) beneficence, and (c) justice. Cragoe (2019) shared that the researcher should adhere to the American Sociological Association's (ASA) Code of Ethics, which contains (a) professional competence, (b) integrity, (c) professional and scientific responsibility, (d) respect for people's dignity, and diversity, and (e) social responsibility. While the Belmont Report and ASA Code of Ethics remain broad and subjective, they provide statements of how to think about, relate to, and interact with people (Cragoe, 2019).

Wadams and Park (2018) introduced strategies to mitigate bias and avoid viewing data from a personal lens, which include: (a) bracketing, (b) peer review, (c) semistructured interviews, and (d) working inductively and investigator responsiveness. Wadams and Park defined bracketing as placing aside previously held knowledge, by bringing that information to the forefront to not influence the study. Such influence can result in affecting the overall analysis process and the validity of the results (Uzun & Kilis, 2019). The researchers defined peer review as the process of involving peers in every aspect of the study to establish internal validity and to prevent bias (Wadams & Park, 2018).

Wadams and Park (2018) identified interviews as a necessary strategy during the interview process to utilize open-ended questions to allow natural themes of the study to emerge; therefore, the interview questions for this study will include open-ended questions to capture information on unknown themes. The researchers identified working inductively as asking analytical questions, challenging assumptions, and questioning the obvious. The researchers also defined investigator responsiveness as a strategy to promote researcher creativity to enable a deeper understanding of the social layers and diversities of participants. The rationale for conducting interviews as part of a multiple case study design includes exploring experiences on

how organizations react to change in an environment altered by new legislation. Interviews are best suited to gather information on opinions including qualitative research methods (Emir & Zencir, 2018). The researcher is responsible for an accurate collection of information and experiences from reduced bias through the interview process (Wadams & Park, 2018).

The relationship that I have with the topic includes my career in HR, where I specialize in labor and employee relations and work with managers on several matters, including conduct issues. I have three years of experience working closely with management through employee-related issues, increases an understanding of the perspective of HR management as it relates to protecting an organization from such matters that may impact business operations. I also have family members who experienced job losses due to their criminal histories. While such experience may provide an advantage to the study or personal bias and connection with the purpose of the study, my contributions to the study remained neutral and analytical during every aspect of the study. To mitigate such bias, I ensured interview transcriptions were verified by study participants, as indicated in the interview protocol. Another method to mitigate researcher bias included data analysis techniques that involves peer review of research data, analysis, and conclusions. The interview protocol included sharing information on the study with the participants, including how to withdraw from the study. The interview will be conducted virtually and will include open-ended questions for the participant to provide comprehensive responses.

Participants

Emelifeonwu and Valk (2019) found that study participants in an exploratory qualitative case study that were selected through purposeful sampling provided valuable context to illustrate

their experiences. There were three eligibility factors for the study: participants in the study must be HR personnel who implement and effectuate strategies for recruitment, interviewing and onboarding of applicants; participants must be responsible for exploring strategies used to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages; and participants with a certain level of experience in the HR field.

To gain access to participants for the study, I contacted companies hiring on job search engines such as Indeed, Career Builder, and Monster to review job vacancies that list contact persons as the recruitment personnel. I also viewed LinkedIn profiles for individuals who are responsible for recruitment for their organizations, and searched for profiles on LinkedIn to contact them for their interest in participating in the study. Job postings and advertisements were considered relevant sources of obtaining information on HR personnel in organizations with hiring needs, because HR personnel are often a primary source of contact for questions on the job roles and requirements on existing hiring needs, in addition to constantly changing hiring needs associated with an adaptation to external conditions (Hirudayaraj & Baker, 2018). Job postings and advertisements list a contact person for the job vacancy; therefore, job postings and advertisements were relevant sources to connect with individuals in the human resources field for entry-level or manual labor job vacancies that may appeal to individuals with criminal histories.

The strategy for establishing a working relationship with participants will include sending an introductory email with the purpose for my contact, including information on informed consent to participate in the study. Sending the introductory email will provide the participant with information in order to initiate a working relationship. After the initial contact, I will follow

up with a phone call or text message to request a meeting. Morsa et al. (2018) found interviews organized by phone or text message to be a convenient method. Those volunteering to participate in the interview will be part of a recorded audio conference interview to capture the responses of participants in real time, followed by a summary email for their review and final thoughts.

Research Method and Design

The research method and design for the study is the qualitative multiple case study. Coetzee et al. (2019) found that an environment influenced by new legislation can be explored through in-depth analysis; therefore, the research method and design included an in-depth analysis of the strategies HR personnel use to anticipate and react changes in employment law. Onwuegbuzie and Leech (2005) found that the exploratory case study design can be used to explore strategies to understand the underlying occurrence; therefore, an exploratory case study design was used for the research study.

Research Method

The qualitative research method was used to explore strategies HR personnel use to anticipate and react to changes in employment law, to avoid compensatory and punitive damages. The qualitative method helped gain in-depth insights into a phenomenon and experiences of key HR personnel responsible for the implementation of organizational changes resulting from the evolving legal environment. Qualitative research is best suited in a study of human dynamics and insights where the information is not well-understood (Firestone, 1987), unknown, unquantifiable, immediate, and short-term. Breuer et al. (2020) used qualitative research to gather information on behavioral consequences that were not well understood,

derived several categories of factors, and developed a better understanding of the participants' behaviors.

Qualitative research methodology is effective when the research contains broad experiences, that are unknown and therefore unquantifiable, which may yield results that clarify the lack of understanding in a topic (Scholz et al., 2019). Qualitative methodology is also an effective way of filling in knowledge gaps through the analysis and exploration of perceptions (Sizear et al., 2019). Therefore, quantitative research was not suitable for this study as it is used to examine the relationships among measured variables (Abrahamsson, et al., 2019), and mixed methodologies includes quantitative research and is used to analyze a range of formed ideas to draw specific conclusions (Wisler, 2018).

Quantitative and mixed methodologies are also not suitable to gain in-depth insights into a phenomenon to explore strategies some HR personnel use to anticipate and react to changes in employment laws. The quantitative research methodology is often used to examine the effects of variables, using numbers and statistics (Abrahamsson et al., 2019); therefore, the quantitative research method was not appropriate for this study, because the aim was to explore business strategies, where the results may be unquantifiable. The mixed method is a complicated approach, containing both qualitative and quantitative components for analyzing a range of ideas to draw conclusions (Wisler, 2018); therefore, the mixed method was not suitable for this study involving first-hand business experiences that does not include the examination of quantitative components.

Research Design

The research design for the study was the exploratory multiple case study design. The exploratory case study design will be used to explore strategies of an organization and understand the underlying occurrence (Onwuegbuzie & Leech, 2005). The case study design was appropriate to explore the effective business processes implemented, and gain insights into first-hand experiences of the business implications on complying with and managing mandates arising from the imposition of recent legislation. Lupo and Stroman (2020) identified that strategies for business viability can be explored through an exploratory case study design. Using a multiple case study design provides more substantial data that allows for comprehensive analysis (Yin, 2014); whereas a single case study design was not effective in analyzing the effectiveness of business strategies across multiple organizations. A multiple case study design was effective to explore strategies HR personnel use to anticipate and react to changes in employe laws, to avoid compensatory and punitive damages..

The exploratory multiple case study design is best suited for issues that have seldom been investigated (Ghezzi & Cavallo, 2020). The exploratory case study design also serves well in situations where there is little known about the impact of an issue on current formats and processes (Sandberg, 2019). The grounded theory includes established suppositions Therefore, the grounded theory design includes established suppositions (Flynn & Korcuska, 2018); therefore, the grounded theory design would not be suitable for this study containing understudied matters. Hare et al. (2018) indicated that the ethnographic design included the observation of people, behaviors, and organization culture. The ethnographic design would not be effective, because there was a need for longevity of on-site observations. The phenomenology

research design contains the evaluation of foundational phenomenon (Darvin, 2020); therefore, the phenomenology research design would not assist in exploring current strategies.

Data saturation is an important aspect of qualitative research (Lowe et al., 2018); however, data saturation is used by researchers to develop meaning through transparency and application (O'Reilly & Parker, 2012). The saturation table provides illustrations on a grid to match themes gathered during research; however, those themes may not be fully developed, and the table does not address future themes (Lowe et al., 2018). Saunders et al. (2018) found that inductive thematic saturation may result in the identification of new themes, even if the theme is incomplete. In the discussion on inductive thematic saturation, Saunders et al. (2018) defined inductive thematic saturation as a data analysis tool used by researchers to draw conclusions in an early stage given the originality of the data.

The exploratory multiple case study design was useful in qualitative research, to explore strategies HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. The grounded theory design, includes the development of theories to explain phenomena (Flynn & Korcuska, 2018). The ground theory design was not appropriate for this study. The ethnographic design includes on-site observations of people, behaviors, and organizations to characterize groups' culture (Hare et al., 2018); however, because extensive observations are not needed to interview HR personnel; this design was not suitable for the intended research. The phenomenology design involves the evaluation of foundations in the study of a phenomenon (Darvin, 2020), which is used to capture meanings of participants' lived experiences; therefore, it was not necessary to explore the strategies some HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and

punitive damages. The case study design was appropriate to obtain answers to the “how” and “why” questions related to the phenomenon. ~~the effective business processes implemented, and gain insights into first hand experiences of the business implications on complying with and managing mandates arising from the imposition of recent legislation.~~ Researchers using a multiple case study design may obtain more substantial data that allows for comprehensive analysis (Yin, 2014); whereas a single case study design was not effective in analyzing the effectiveness of business strategies across multiple organizations. A multiple case study design was effective to explore how organizations react to change in an environment altered by new legislation.

Population and Sampling

The study included in-depth interviews of HR personnel from organizations located in the District of Columbia, Maryland and Virginia tri-state area. There were nine participants involved in the study, with at least two participants in each geographical region. Bratton and Waton (2018) interviewed multiple individuals with HR experiences and used the data to prioritize data and themes based on the perceived importance of the information. As new employment legislation may impact organizations differently, it will be helpful to interview a small number of individuals in each state, to gauge the level of impact and the strategies used to address those issues. Having a large geographic area can present limitations regarding the availability of the participants (Antony et al., 2019); therefore, conducting research from three separate geographic areas, with participants in each area, from nine organizations decreased the likelihood of those limitations.

Participants included HR personnel with varying experiences and perspectives who implemented strategies that aligned with mandated legislation and other existing and new employment laws. Participants had more than 5 years of experience, with experience in recruiting, interviewing and onboarding applicants, as well as participants who were responsible for exploring strategies used to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. According to the U.S. Bureau of Labor Statistics (BLS, 2020), HR managers with at least 5 years of work experience, is a common necessity for most employers. Conversely, according to Oztimurlenk (2020) HR personnel with less than 10 years of experience, may be referred to as inexperienced in some geographic locations; therefore, interviewing participants from three geographic regions with more than 5 years of experience, ensures requirements and levels of experiences are met.

Maximum variation sampling provides a full depiction of unusual and diverse perspectives (Creswell, 2013); therefore, study participants were selected ~~through this process by selecting participants~~ across three geographical areas, with varying perspectives and experiences. Maximum variation sampling was best suited for this study, as this method allows the researcher to maximize differences at the beginning stages, whereas other sampling methods provide, “specific information about a problem, and convenience cases, which represent sites or individuals from which the researcher can access and easily collect data” (Creswell, 2013). For example, purposive sampling may be subject to sampling biases, as it serves as an intentional method of selection (Oyieke & Dick, 2017).

Participants were selected through contacting company HR representatives through job postings, LinkedIn and social media professional groups on Facebook. Job postings and

advertisements are considered relevant sources to obtain information on HR personnel with knowledge on current and future hiring needs (Hirudayaraj & Baker, 2018); therefore, I will searched for job vacancies for entry level positions and manual labor work to contact the HR personnel listed for the posting.

Interviews were scheduled at the convenience of the participant, to provide the participant with a comfortable setting given the COVID-19 global pandemic. Participants were contacted through email and phone to set up the interview. An interview was scheduled and once the data was collected, the participants received a transcript summary to verify my interpretation of their responses.

Data saturation includes gathering sufficient data for accomplishing the objectives of the research study to the point of diminishing returns when no new information is included in the previous data (Alam, 2020). Data saturation occurs when the researcher notices that there is no new concept or idea is mentioned by the participants in the interviews (Alam, 2020). Data saturation contains the redundancy of information (Alam, 2020); therefore, for the study, I reviewed the interview transcripts for redundant matters. Including open-ended questions in the interview provided the opportunity for participants to share pertinent information concerning their experiences. The last interview question also addressed any matters not included in the pointed questions that draw out specific themes; therefore, each participant was able to share more information beyond the context-specific questions.

Ethical Research

The informed consent process with the participants of the research study included a verbal and electronic explanation of the information contained in the informed consent form

(Appendix A). At the time of the verbal explanation, the participant was given the opportunity to ask questions, and received information on how to submit questions in the future. The informed consent form included information the overview of the research study, what the study outcome would be used for, participants' confidentiality to safeguard personally identifiable information through secure technology, and instructions on how to withdraw from the study. To withdraw from the study at any point in the study, participants were told they could send an email to ask to be withdrawn from the study. Participants were also assured that if they chose to withdraw from the interview there would be no consequences, and that they may do so at any time. There were no withdrawals from the research study.

As an added measure, intrinsic motivating factors are helpful in soliciting participation (Nuil et al., 2018); as such, the informed consent form contained information on the social implications of the study. Each participant signed the form and returned it to me. ~~If a participant withdraws from the study, the cancellation information will replace the informed consent form, and all information regarding the participant will be destroyed.~~

To ensure the ethical protection of participants, the confidentiality of the individual is crucial (Creswell, 2013); therefore, each willing participant was assigned a number to protect their anonymity. The assignment of a pseudonym further safeguards personal information (Creswell, 2013); therefore, the identification of the participants' organization was renamed and assigned a pseudonym (such as, Company A and Company B) with no direct connection to the organization. Any personally identifiable information, including names of participants and organizations, was kept confidential and stored on an encrypted storage device. The data from the study, including interview transcripts, are maintained in a safe place, on the storage device

for 5 years, then destroyed afterwards. The final doctoral manuscript includes the Walden IRB approval number.

Data Collection Instruments

In qualitative research, the researchers collect the primary data directly from the source (Gusnardi & Muda, 2019; Nurdiana, 2019). The researcher has the responsibility of analyzing the data and making decisions about the identification of concepts and patterns (Moser, 2018); therefore, the researcher serves the role as the leading and primary source of data collection. Moser (2018) identified semistructured interviews as one of the most common sources of data collection. Therefore, I was the primary data collection instrument used for this research study I used semistructured interviews, consisting of in-depth and open-ended interview to explore strategies HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages.. I used the interview questions **will be used** to gather information from the participants (Appendix B). The interview protocol included conducting the interview over the phone, asking the participant eight open-ended interview questions, taking written notes of the participants' responses, and sending a transcript summary of the responses to the participant for validity and reliability. The interview protocol is found in Appendix B. Archival data was the secondary data collection instrument for the study. Wienclaw (2021) described the use of archival data as a non-reactive source. Therefore, the use of archival data, such as internal records on hiring practices, business processes, and HR practices can provide additional context for the strategies HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages.

To enhance the reliability and validity of the data collection instruments, I will use member checking. Member checking is used to provide participants with a summary of the interview as a formal approval method (Asmail, 2018). Member checking is also resourceful in qualitative research to study the impact of policy changes (Drago-Severson & Maslin-Ostrowski, 2018); therefore, member checking was applicable to this study to explore strategies HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages.. Using member checking in this research study will ensure an accurate account of the information shared during the semistructured interviews, as that platform is open to errors involving missed statements and misinterpretations. Simoni et al. (2019) described peer debriefing as a discussion of experiences and findings to enhance self-reflection and build confidence. Peer debriefing can be used for this research to ensure confidence in the data received during the interviews, as the study includes a less-ventured topic with new legislation. Therefore, I will debrief with my Chair to validate the results of the study.

Data Collection Technique

The technique I used to collect the data during the semistructured interview included the use of recorded audio conference and note-taking. Semistructured interviews provides a structured yet flexible way to collect data for analysis (Peesker et al., 2019); however, the open-ended structure of the questions lead to extensive interviews and a wealth of information to transcribe and analyze. Although the level of information was extensive, the study findings obtained during data collection using the semistructured interview did contain strategies, through details on established processes, and varying experiences in implementing processes related to new legal mandates.

To arrange the interview after receiving the informed consent form, I sent a text message or email to the participant to thank them for submitting the informed consent form. I asked them to provide available dates to conduct the interview. Once I received the information on the availability of the participant for the interview, I shared my contact information or confirmed their contact information to connect with the participant through audio conference.. The day before the interview, I sent a reminder to ensure no changes had occurred involving the participant's availability.

The day of the interview, I opened the audio conference using the interview protocol (see Appendix B). During the interview, I provided an introduction to remind the participant about the purpose and social implications of the study. Providing the participant with the purpose of the study is the ethical responsibility of the researcher to ensure the participant is aware of the potential for such outcomes (Husband, 2020). During the introduction, I mentioned to the participant that I valued their time, and that I would ensure that I would not exceed the allotted time for the interview. Each interview lasted 15 to 30 minutes. Bearman (2019) found that the researcher may need to improvise during the semistructured interview to make judgements about the significance of the information shared and what should upon. Therefore, during the interview, I introduced the interview questions to the participant, asked follow-up questions, and requested that the participant elaborate as needed. After each question, I paused to allow the participant an opportunity to provide a comprehensive and un-interrupted response.

Member checking can be used as a method of accountability (Naidu & Prose, 2018). Therefore, before I ended the call with the participant, I reminded them that I would send a summary of the interview for their review to validate my interpretation of their responses

provided during the interview. I thanked each participant for their participation and ended the call.

Data Organization Technique

The data for the study is stored on an encrypted storage device secured with a password, a reflective journal containing written and typed notes on the interviews. As part of the member checking process, I sent the participant the summary of the interview, I ensured the document was password-protected. Each participant received a unique password by email. Afterwards, I contacted my Chair for peer-debriefing to review the data to validate my summary and findings. The raw data, including interview transcripts were stored on a flash drive, and email correspondence to participants was stored in the Walden email platform; all interview correspondence will be destroyed after 5 years to protect the identities of the participants.

Data Analysis

The data analysis included data triangulation. Farquhar et al. (2020) identified triangulation as a valid practice, of which within-method triangulation provides the opportunity for researchers to increase internal validity of the findings. The within-method triangulation involves cross-checking for internal validity purposes by using at least two data collection procedures. In a case study involving changed processes, Ng (2019) found the within-method triangulation useful to provide a thorough analysis of the raw data. Therefore, I used within-method triangulation for the semistructured interviews included in this exploratory case study using the first-hand perspective of the researcher in connection with the semistructured interviews.

Eke and Singh (2018) used content analysis as a data collection source to analyze the impact of external factors on the outcome of the participants' strategic approach. Therefore, I used content analysis by reviewing company documents, websites, manuals, applicable news sources to analyze how HR personnel monitor the macro-environment to proactively enact timely and appropriate strategic intervention. The content analysis included analyzing the interview transcripts for themes in relation to news articles containing the impact of the new legislation on employers.

Spanoudaki et al. (2019) found that ATLAS.ti can be used by the researcher to ensure transparency, which can also be used to analyze data for co-concurrence analysis within the methodological triangulation data analysis to classify key themes, clusters of words and characteristic phrases. For the purpose of this study, I used ATLAS.ti to analyze the open-ended responses from the interviews to identify themes, analyze content, and decipher characteristics in the responses to explore strategies HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages.

Inductive thematic saturation helps to identify new themes, even if the theme is incomplete (Saunders et al., 2018). Therefore, inductive coding is a method of analysis employed by ATLAS.ti. While using ATLAS.ti, Vila-Henninger (2019) found that the use of the open-coding feature allowed the researcher to code inductively to generate codes and enable theory building. This process includes having the researcher identify themes and key words that were not included in the initial coding scheme (Vila-Henninger, 2019). The ATLAS.ti program contains tools that allow the researcher to explore raw data derived from in-depth interviews for the researcher to consider the information in various ways (Macovei & Argintaru, 2016).

Therefore, the process of inductive coding using ATLAS.ti was beneficial to this study where the results were unquantifiable.

After coding the raw data using ATLAS.ti, I organized the information by category to further analyzed key the themes by transcribing interviews, collating the interviews and synthesizing the results. This program was beneficial to this study to question the meaning of reoccurring concepts and ideas to identify themes. To correlate the key themes with recent studies and conceptual models, I identified themes related to the consequential ineffectiveness from the political risk management theory proposed by D'Agoût (2020). I reviewed trends over time associated with the lack of autonomy within management levels of the organization that prevents organizations from adapting to changes, as identified by Fowler et al. (2018).

Reliability and Validity

Reliability

The reliability of data from study findings is a key factor in ensuring accuracy. Spiers et al. (2018) identified reliability as an idea of data adequacy to illustrate consistency. Ellis (2019) found that dependability in qualitative research is referred to the stability of data over time and a quality assessment of conditions that include an evaluation of data collection, data and theory generation. To develop a dependable study, the research needs to ensure the study is accurate and consistent (Guba & Lincoln, 1982). To ensure dependability for this research study, member checking can used as a method accountability (Naidu & Prose, 2018). Providing the research participant with their data, interpretation of the data and documenting conclusions through member checking ensures accuracy of the data collection (Ellis, 2019). I followed the process suggested by Ellis.

Validity

The validity of the data is integral in ensuring the originality of the data from the findings of the study. Spiers et al. (2018) described validity as data appropriateness to provide an accurate account of the experiences of research participants. Credibility includes the confidence that the reader has that the research findings are truthful and accurate (Polit & Beck, 2017). This research study included member checking, which ensured the accuracy and will allow the reader audience to have confidence in the accuracy of the results. Transferability is the implication that the results of the study can be transferred to other situations beyond the context of the study (Maxwell, 2020). In order to ensure transferability, maximum variation sampling provides a full depiction of unusual and diverse perspectives (Creswell, 2013); therefore, maximum variation sampling was appropriate for this study to capture various perspectives on exploring strategies Through confirmability, the readers can confirm that they can arrive at the same conclusion at any point in time (Carnevale, 2016). Confirmability for this research study was supported by inductive thematic saturation, of which Saunders et al. (2018) found involves an analysis of the data, and the ability to draw conclusions at an early stage given the originality of the data.

Transition and Summary

The purpose of this qualitative multiple case study was to explore strategies HR personnel used to anticipate and react to legislative and business changes, to prevent erosion of business profitability. The qualitative multiple case study included study participants, selected through purposeful maximum variation sampling. The research method and design included an in-depth analysis of the strategies. The primary and secondary sources of data collection included, semistructured interviews, content analysis, and a review of the company website, and

applicable new sources. Data collection techniques included within-method triangulation and inductive thematic saturation. To enhance reliability and validity of the study, descriptions of member checking, peer debriefing, maximum variation sampling, and inductive thematic saturation depict the actual process followed.

Section 3 contains the application to professional practice as it relates to the study findings, as well as the implications for change. Study findings include descriptions of the data gathered during the interviews and synthesis of the data. Study findings also comprise strategies used by HR personnel to monitor the external legal environment and the processes used to comply with employment law. The analysis of the strategies identified by the participants as applied to the top-down model of adaptation and political risk management have relevancy to the interview response. Finally, included in section 3 is an overview of the application of the study findings, and the implications for social change for businesses and the community.

Section 3: Application to Professional Practice and Implications for Change

Introduction

The purpose of this qualitative multiple case study was to explore strategies some HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages. Data were collected from semistructured interviews with HR professionals within the District of Columbia, Maryland and Virginia tri-state area, and state government websites with information on the employment laws discussed during the interviews. The findings show organizational trends and strategies used to anticipate and react to changes in the external legal environment. The findings also reveal the barriers and damages that organizations face when failing to comply with employment laws. Participants shared their experiences with one law in particular, “ban the box” legislation, the findings also show the impact of this law and the strategies used to enforce compliance with minimal compensatory and punitive damages to the organization.

Presentation of the Findings

The overarching research question is, what strategies do HR personnel use to anticipate and react to changes in employment laws, to avoid compensatory and punitive damages? Based on the analysis of the data, three themes emerged: (a) strategies to anticipate and react to changes in employment laws; (b) strategies to anticipate and react to changes in “ban the box” legislation;

and (c) obtaining feedback on the reaction to changes in employment laws. The data further reveal that most participants found certain employment laws were significant: (a) the sick and safe leave law, also known as the Maryland Healthy Working Families Act on Employment Standards Service in 2018, which requires that an employer allow an employee to take time off for their own injury or illness, in addition to any leave associated with the care of the employee's relatives (Maryland Department of Labor, n.d.); (b) the Affordable Health Care Act of 2010, which requires employees to participate in a health insurance plan offered by the employer (Office of the Legislative Counsel, 2010); (c) the New York Salary Range Transparency Law in 2022, which requires employers to include the minimum and maximum salary in job postings for geographically dispersed companies that hire individuals who reside in the state of New York (Legislative Research Center, 2018); (d) general employee pay laws; (e) minimum wage laws; and, (f) "ban the box" legislation.

The findings revealed organizational themes and trends with complying with changes in employment laws, and confirmed that the top-down model of adaptation and political risk management are effective concepts to apply when implementing business practices to safeguard compliance with employment laws. Specifically, the findings revealed that fluid communication from bottom to top is attainable. Similarly, Fowler et al. (2018) found that engaging in fluid communication from all levels of management is an effective way to communicate changes in the organization. Participant A shared that "We have monthly meetings with local and main HR, in which we can provide feedback about things and try to collaborate to fix issues, or something that's coming down the pipe – to put it out there." Furthermore, Participant A expressed that the

benefit of soliciting feedback from various levels of management ensured employee retention and compliance. Participant A further stated,

Getting feedback from lower-level employees is important because they're always the ones on the front lines. Sometimes upper management will make a change without understanding how it will affect lower management – causing low morale or more issues with lower management. Or people coming in - high turnovers, if upper management doesn't listen about what's going on at the lower level.

However, some participants stated that soliciting feedback served no purpose, because the employment laws were mandatory, and therefore enforced. Participant F shared,

In terms of feedback, not so much. It's not like they have a choice in it being implemented. It really is more of an informed situation. I honestly cannot think of one example of where we asked for feedback in the past 10 years, where we asked – we would like your opinion.

Nonetheless, data confirms that the top-down model of adaptation is an appropriate lens for exploring how an organization developed and implemented strategies for anticipating and reacting to changes in employment law, because this model requires management at all levels to participate in making informed and adaptive decisions through fluid, bottom-up communication. Some participants expressed that feedback solicitation was not necessary, because their company's business process included software used to audit compliance efforts. Participant I shared that,

There is no feedback solicitation, but they are able to track if the courses are complete, they are able to track the timeliness of the courses being completed – they are able to track things like that, but as far as a survey in the field – no, that has never happened.

The data also confirms that political risk management is an effective tool, because this concept may serve to assess the prioritization, aptitude, and severity of the legal environment, which may assist in identifying the risks and applying internal resources to mitigate those risks. Chang et al. (2018) identified 27 strategies, which included: (a) making corrective decisions includes conducting market research; (b) choosing a suitable entry mode; (c) choosing suitable projects; (e) building proper relations with host governments; (f) implementing a localization strategy; and, (g) controlling core and critical technology. Chang et al. indicated that an effective contingency plan is beneficial to an organization, to prepare the organization for risk prediction and analysis, dispute settlement, action roles and responsibilities, equipment, and strategies. The data disconfirms certain strategies involved in political risk management that were identified as the most important. Chang et al. (2018) found that the five most important political risk management strategies are: (a) choosing suitable projects; (b) building proper relations with host governments; (c) conducting market research; (d) avoiding misconduct; and, (e) choosing a suitable entry mode. Only two of the five strategies were identified in the data from the study: conducting market research, and avoiding misconduct. Specifically, market research was found beneficial to Participant G who indicated that, “We do market surveys to make sure that we are competitive. We do internal surveys to make sure that we are competitive.” Participant G further clarified that, “More external market surveys [are used] to make sure that we’re competitive with the market, and internal surveys to make sure that no one is out of line for their job title.”

Furthermore, political risk management includes making corrective decisions involving conducting market research. The interview responses from Participant G indicated that within an organization, conducting market surveys is best to gauge industry success, and internal surveys to ensure compliance and accountability. Related to avoiding misconduct, Participant F indicated that within their organization, “We feel like if you’re handling things in the right manner, and having proper conversations, you’re going to avoid a lot of the discriminatory acts that you end up with.” Therefore, market surveys and avoiding misconduct were effective tools for some organizations to mitigate risks.

Another common theme of effective political risk management strategies is to have a contingency plan, which is often adopted with the understanding that non-compliance leads to misconduct or unfavorable consequences such as loss of business profitability. Chang et al. revealed that organizations that include an effective contingency plan as part of the risk management strategy, are better prepared for risk prediction and analysis, and dispute settlement. Participant B was able to anticipate barriers and damages associated with non-compliance through the use of a disaster plan. Specifically, Participant B stated, “I’m at a standstill in a sense, it’s more of being back to a plan rather than, this is what I’m going to do. I have to go back to the drawing board, but not too far back because I know what I wanted to do. But because of the situation, I have other things to take into account as far as having a disaster plan -- If anything were to happen, how would I do it. So I have to go back to a planning stage, figure out what works best for me, if I were to scale – how high? If I had to go through layoffs, how would I do all that? -- Planning for the worse.” Participant B found it necessary to mitigate risk through planning. Overall, the data showed that as found in the top-down model of

adaptation, fluid communication from bottom to top is an effective tool for ensuring organizational compliance. The data also confirmed that as found in political risk management, effective strategies include controlling technology; contingency plan; risk assessment; risk avoidance; market research; and, building a reputation.

Strategies

Regarding strategies organizations use to anticipate and react to changes in employment laws, most organizations comply with the employment laws as they understand the impact, importance, and consequences. Table 1 and Figure 3 show that most participants found relevance in (a) ensuring compliance; (b) educating themselves on HR policy and applicable employment laws; (c) engaging the HR team; (d) working in an organization where the company culture and views are reflective of good morale and integrity that aligns with the ethical standards already woven into the changes in employment laws; and, (e) collaborating with legal teams to ensure compliance. Table 1 and Figure 3 also reveal that most organizations use communication as a tool to ensure compliance; some organizations implement software programs equipped to enforce changes to business processes in alignment with changes in employment laws; and train managers and employees to ensure compliance within the organization. Self-education, engaging the HR team, and collaborating with the legal team is part of the top-down model of adaptation, as fluid communication is encouraged, and the interaction may result in implementing effective strategies as a product of all levels throughout the organization. Political risk management is identified as a way to refocus efforts on creating a stable environment to eliminate and reduce the inability to maintain discord (D'Agoût, 2020). The concept of political risk management is found in the data as outlined in Table 1 and Figure 3, as participants shared that working in an

organization where the company culture and views are reflective of good morale and integrity is a method some companies use to comply with employment laws. Additionally, some participants shared that their organizations ensure compliance by collaborating with the legal team.

Other strategies included: (a) participants having an overall awareness of the changes in employment laws; (b) some organizations enforcing compliance regulated by government partners in companies that contracted services with government parties or produce services that are mandated by the state government; (c) participants ensuring records were up to date; (d) organizations harnessing effective leadership; (e) organizations soliciting feedback from employees; (f) enforcing standard operating procedures; (g) prioritizing compliance; (h) using internal industry knowledge as an advantage; and, (i) outsourcing services for legal and HR services to keep the organization up to date on employment laws impacting the organization. Table 1 and Figure 3 also reflect that these strategies include participants: (j) providing recommendations to management; (k) using social media, such as LinkedIn to educate themselves; (l) some organizations prioritizing compliance; (m) overall collaboration; (n) conducting internal audits; and (o) some organizations changing processes to allow room for risk management. Some organizations also (p) prioritize customer service; (q) prioritize ethical behavior; (r) solicit feedback from employees; (s) some organizations do not obtain feedback; (t) promote internally; and (u) some organizations manage employee performance to ensure employees' job duties align with the changes in employment laws. Table 1 and Figure 3 also show that (v) participants found it beneficial to network; and (w) use information from professional organizations such as the Society for Human Resource Management. The findings of the less relevant strategies further validate the top-down model of adaptation, which indicates

that engaging personnel within the agency is an effective method of communication (Fowler et al., 2018). However, because some organizations did not obtain employee feedback, such practice does not support the top-down model of adaptation. Participant F confirmed that their company did not seek feedback, as they shared, “It’s more informed, because we’re really not changing processes that affect their day-to-day work, we’re changing processes that impact HR, and how they approach it.” Furthermore, political risk management is supported within the less relevant strategies as organizations utilized methods to ensure compliance through prioritizing compliance.

Table 1

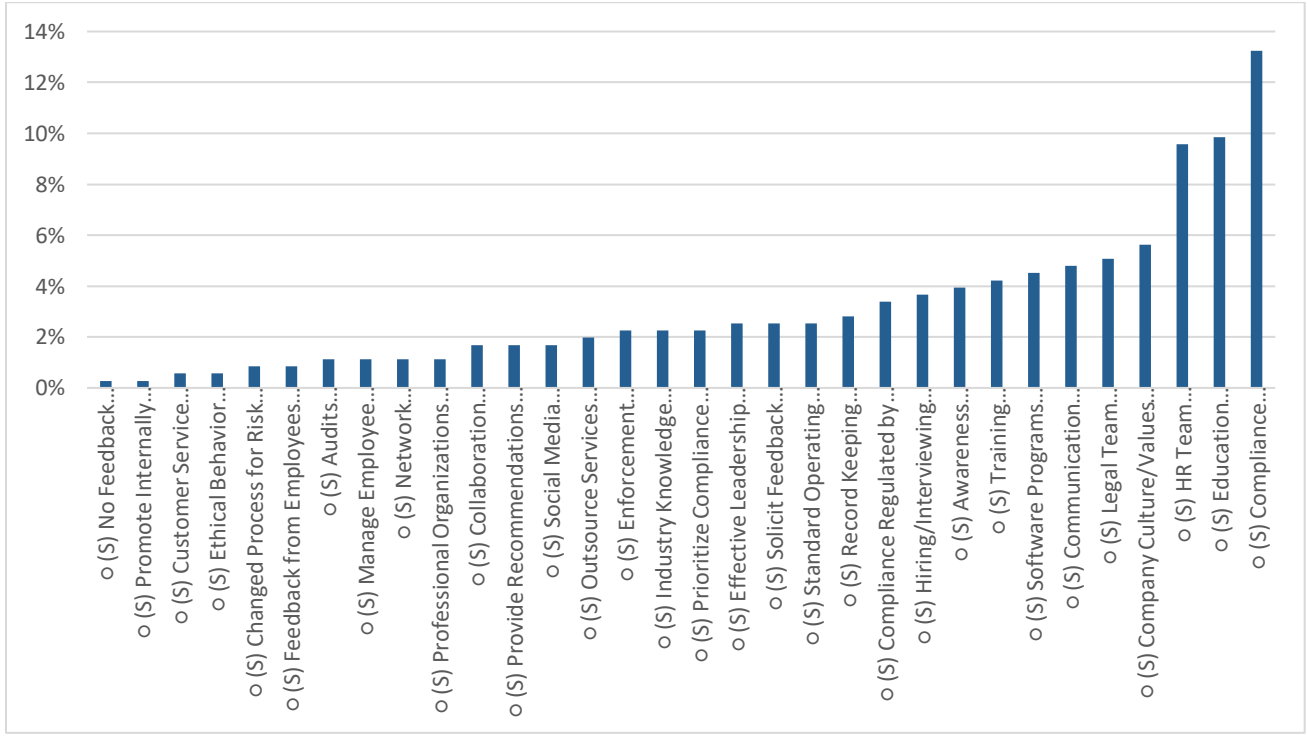
Strategies to Anticipate and React to Changes in Employment Laws

Strategies	Relevance (%)
Risk Management	<1%
No Feedback	<1%
Promote Internally	<1%
Customer Service	1%
Ethical Behavior	1%
Changed Process for Risk Avoidance	1%
Feedback from Employees	1%
Audits	1%
Manage Employee Performance	1%
Network	1%
Professional Organizations	1%
Collaboration	2%
Provide Recommendations to Management	2%
Social Media	2%
Outsource Services	2%
Enforcement	2%
Industry Knowledge	2%
Prioritize Compliance	2%
Effective Leadership	3%
Solicit Feedback	3%
Standard Operating Procedures	3%

Record-Keeping	3%
Compliance Regulated by Government Partner	3%
Hiring/Interviewing Practices	4%
Awareness	4%
Training	4%
Software Programs	5%
Communication	5%
Legal Team	5%
Company Culture/Values	6%
HR Team	10%
Education	10%
Compliance	13%

Figure 3

Strategies to Anticipate and React to Changes in Employment Laws



Overall, participants identified strategies to avoid the barriers to implementing strategies for the identification and implementation process of employment laws for their organizations. Data revealed the most prominent barriers an organization may face includes: (a) non-compliance; (b) lack of buy-in or interest from employees; (c) lack of comprehension as it relates to employment laws and how it impacts the organization; (d) lack of financial resources; (e) inability to change human behaviors; (f) lack of technology; (g) lack of feedback; (h) focus on business profits rather than compliance; and, (i) impact of the COVID-19 pandemic. Less popular barriers consisted of: (a) failure to understand the impact of employment laws on the organization; (b) lack of transferrable skills for HR personnel in a specific HR field to cover other subjects in the HR industry; (c) language barriers for geographically dispersed teams; (d) rigid hiring practices; and (e) lack of reinforcement.

Furthermore, participants identified compensatory and punitive damages that an organization may experience in failing to comply with employment law. Data revealed that most organizations who failed to comply with employment laws were subjected to: (a) pay fines; (b) lose business until any non-compliance is remedied; (c) some participants were unaware of any damages; and, (d) organizations were involved in settlements and lawsuits. Less popular damages included: (a) negligent hiring; (b) loss of employee interest; (c) loss of reputation for businesses; (d) bad press; (e) union issues; (f) a loss of business partners; and, (g) audits. These strategies are supported by the top-down model of adaptation and political risk management. This data revealed that most participants found it was relevant to implement concepts identified in the top-down model of adaptation through fluid communication from bottom to top. None of the participants shared any information that would consist of any

additional elements in the top-down model of adaptation. The data also reveals that most participants found it relevant to implement concepts identified in political risk management: (a) control technology to manage political risk; (b) implement a contingency plan; (c) engage in risk avoidance; (d) conduct market research; (e) build a reputation; and, (f) engage in effective risk assessment strategies. None of the participants revealed any data that consisted of additional or alternative political risk management strategies. **“Ban the Box” Legislation**

As it relates to “ban the box” legislation, Table 2 and Figure 4 reveal that in response to changes associated with the enactment of this legislation, participants’ organizations complied with minimal or no impact. The data revealed that participants found it to be beneficial to complete job matching to ensure applicants were matched to job opportunities better suited to the applicants’ qualifications. Furthermore, in considering the placement of an applicant when matching the appropriate job, if an individual had a criminal background that did not align with a specific job opportunity, HR would ensure the applicant was placed in a job that was best suited for the individual, in consideration of the charges included in their criminal background. Table 2 and Figure 4 also show that some organizations were not impacted by “ban the box” legislation because they already implemented hiring practices that focused on job qualifications, rather than the applicant’s criminal background.

Most participants revealed relevant trends: (a) organizations were compliant with implementing changes associated with “ban the box” legislation; (b) hiring practices were implemented to focus on job qualifications rather than criminal backgrounds of applicants; (c) some companies were exempt from complying with “ban the box” legislation, as certain organizations were mandated to run background checks before making an offer; and, (d) some

participants used a case-by-case approach by using their own discretion when considering an applicant. Less relevant trends included participants: (a) being unaware of their organization’s process for implementing changes in response to “ban the box” legislation; (b) being reliant on the organization’s legal team to make a determination on employing an applicant; (c) some participants shared that their organization took measures to revise hiring practices in compliance with the legislation since prior hiring practices did not align with the employment laws; (d) some participants expressed that their organization implemented substance abuse services to assist applicants who had criminal backgrounds; and, (e) some participants also shared that their organization implemented software updates to update electronic applications to account for changes associated with “ban the box” legislation. The strategies used to implement “ban the box” legislation relate to political risk management confirm concepts that involve building a reputation and engaging in effective risk assessment strategies as these organizations ensured compliance, established effective hiring and background check practices, and analyzing each situation as a unique learning experience to further ensure compliance as the situation presents itself based on the individual criminal background history and available job options. Less popular themes involved effective political risk management in ensuring compliance and controlling technology to manage the risk.

Table 2

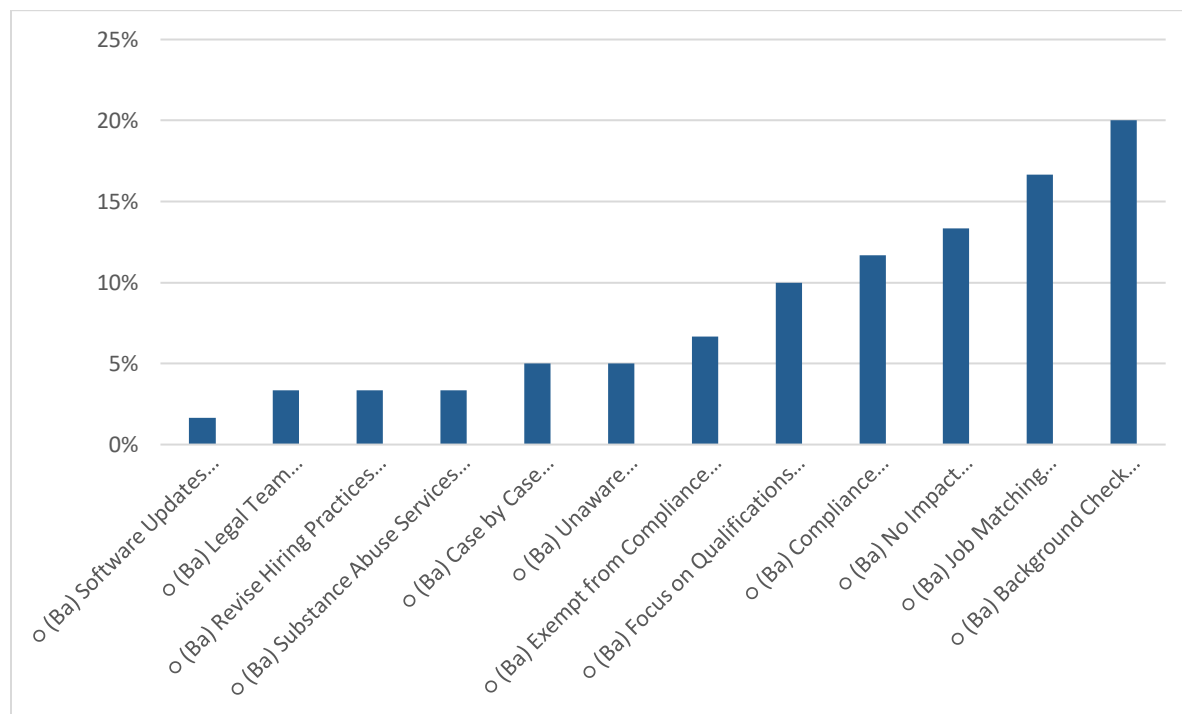
Strategies to Anticipate and React to Changes in “Ban the Box” Legislation

Ban the Box Strategies	Relevance (%)
Software Updates	2%
Legal Team	3%
Revise Hiring Practices	3%

Substance Abuse	3%
Case by Case	5%
Unaware	5%
Exempt from Compliance	7%
Focus on Qualifications	10%
Compliance	12%
No Impact	13%
Job Matching	17%
Background Check	20%

Figure 4

Strategies to Anticipate and React to Changes in “Ban the Box” Legislation



Feedback

Regarding organizational strategies to solicit feedback from middle and lower-management on changes to internal business practices in response to changes in employment laws, most participants indicated that their organizations do not solicit feedback from employees as they enforce changes throughout the organization. Table 3 and Figure 5 reveal trends that most organizations: (a) obtain feedback by conducting internal surveys; (b) conduct individual one-on-one meetings; and, (c) conduct management meetings in a group setting. Other strategies include: (a) implement an open-door policy as an open forum for feedback; (b) gather information through on-boarding surveys; (c) conduct market surveys to obtain feedback from external parties; (d) conduct exit-interviews for employees who leave the organization; (e) obtain customer reviews; and, (f) obtain feedback during performance discussions with employees. Top-down model of adaption is the foundation of obtaining feedback from all levels of management, as the organizations who were interested in employee feedback, used methods best suited to the organization. As noted in the responses, some organizations did so by conducting internal surveys through one-on-one meetings, on-boarding surveys, exit interviews, etc. Political risk management is also involved in obtaining feedback, as found in the responses, as some organizations conducted market surveys, and engaged in soliciting customer feedback through customer reviews.

Table 3

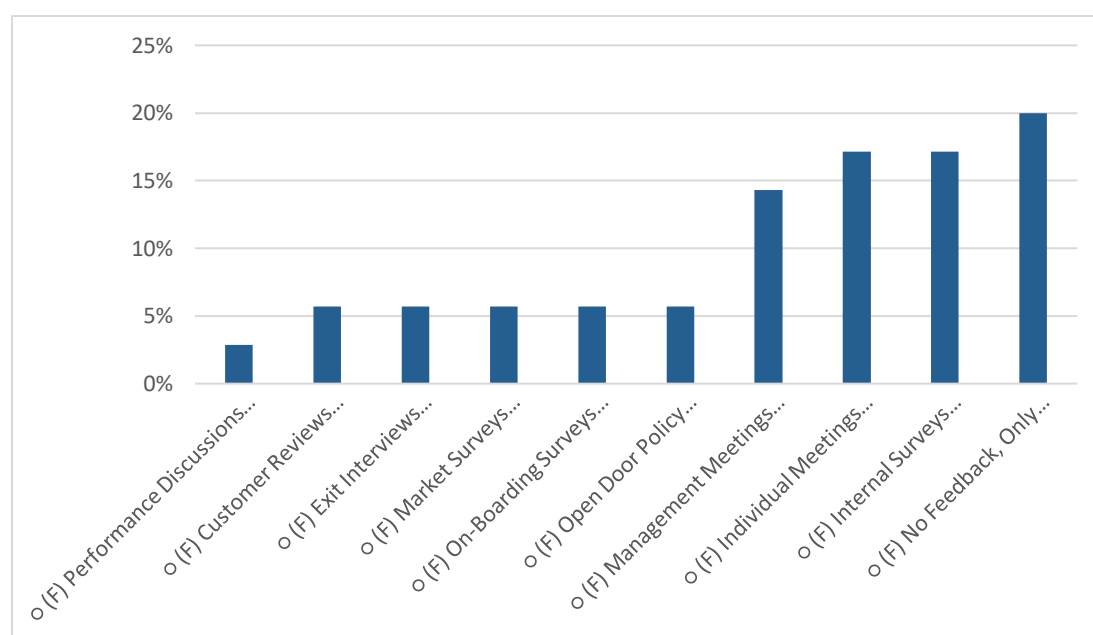
Obtaining Feedback on Reacting to Changes in Employment Laws

Feedback Methods	Relevance (%)
Performance Discussions	3%
Customer Reviews	6%
Exit Interviews	6%

Market Surveys	6%
On-Boarding Surveys	6%
Open Door Policy	6%
Management Meetings	14%
Individual Meetings	17%
Internal Surveys	17%
No Feedback, Only Enforcement	20%

Figure 5

Obtaining Feedback on Reacting to Changes in Employment Laws



Applications to Professional Practice

The findings of this study can be applied to improve business processes by addressing organizational trends and implementing effective organizational strategies as it pertains to anticipating and reacting to changes in employment laws, to avoid compensatory and punitive

damages. Table 4 provides the organizational trends for the barriers in monitoring the external legal environment and the damages for failing to comply with employment laws. Table 4 has details the trends associated with “ban the box” legislation specifically. The barriers identified in Table 4 may help minimize risks to the implementation of effective business processes to manage risk associated with monitoring and anticipating changes in the external legal environment, and may prevent damages.

Table 4

Organizational Trends

Categories	Most Common	Least Common
Barriers for Compliance	<ul style="list-style-type: none"> • Non-compliance • Lack of buy-in/interest • Lack of comprehension • Lack of financial resources • Inability to change human behaviors • Lack of technology • Lack of feedback solicitation • Focus on business profits • Impact of COVID-19 	<ul style="list-style-type: none"> • Failure to understand impact • Lack of transferable HR skills • Language barriers • Rigid hiring practices • Lack of reinforcement
Damages for Non-Compliance	<ul style="list-style-type: none"> • Pay fines • Loss of business • Unaware • Settlements • Lawsuits 	<ul style="list-style-type: none"> • Negligent hiring • Loss of employee interest • Loss of reputation • Bad press • Union issues • Loss of business partners • Audits
“Ban the Box” Legislation	<ul style="list-style-type: none"> • Complete background checks • Job matching 	<ul style="list-style-type: none"> • Unaware • Legal team • Revise hiring practices

- No impact
 - Compliance
 - Exempt from compliance
 - Case-by-case approach
 - Implement substance abuse services
 - Software updates
-

Also found in Table 4 are the most and least common circumstances involved in businesses responding to “ban the box” legislation. The study findings reveal that most organizations are not impacted by the legislation and employ effective strategies to properly assess applicants as individuals with qualifications instead of focusing on the individual’s criminal background. Table 4 also indicates that matching applicants to suitable jobs is a beneficial process for complying with “ban the box” legislation. These strategies can be applied in business practice to determine the if the strategy used by the organization to comply with the law is appropriate. Employers can use the findings to conclude if their organization engages the common themes, or less common themes, that organizations used to respond to “ban the box” legislation; as such, this information can be used to evaluate current methods. After a review of current practices, organizations can use the findings from this study to manage risk associated with the barriers and damages identified in Table 4, that are often experienced with the law. In doing so, an organization would be able to determine which applicable concept of political risk management would best suit the organization, as found in Table 6. For example, an organization may determine that controlling technology may be a suitable method of political risk management to avoid non-compliance and paying fines. Furthermore, an organization may determine risk avoidance is best when facing the impact of COVID-19 and the potential of lawsuits.

Table 5 reflects organizational strategies as it relates to obtaining feedback and ensuring compliance with employment laws. The most effective strategies for feedback involve a wide array of options, from not soliciting feedback at all, to conducting surveys, and gaining insights from meetings. Table 5 also reveals effective strategies for compliance that involves education, the HR team, company cultures and views, legal teams, effective communication, software programs and training. Organizations can use the information from the study findings to implement effective organizational strategies for obtaining feedback when appropriate and ensuring compliance throughout the organization.

Table 5

Organizational Strategies

Categories	Most Effective	Least Effective
Strategies for Feedback	<ul style="list-style-type: none"> • No feedback solicitation • Internal surveys • Individual one-on-one meetings • Management meetings 	<ul style="list-style-type: none"> • Open-door policy • On-boarding surveys • Market surveys • Exit interviews • Customer reviews • Performance discussions
Strategies for Compliance	<ul style="list-style-type: none"> • Education • HR team • Company culture/views • Legal teams • Communication • Software programs • Training 	<ul style="list-style-type: none"> • Awareness • Compliance regulated by government partners • Record-keeping • Effective leadership • Solicit feedback • Standard operating procedures • Prioritize compliance • Industry knowledge • Outsource services

- Recommendations to management
- Social media
- Enforcement
- Collaboration
- Internal audits
- Risk management
- Customer service
- Ethical behavior
- Feedback from employees
- No feedback
- Promote internally
- Manage employee performance
- Networking
- Professional organizations

According to the data, organizations can assess risks as it applies to applicable industries as part of political risk management. Table 6 has in its content, key constructs relevant to the lens used in this study; political risk management and the top-down model of adaptation. The key constructs include: controlling technology, implementing a contingency plan, effectuating risk avoidance and risk assessment strategies, conducting market research, and building a reputation. As organizations assess current business processes and company needs associated with complying with employment laws, using the study findings can be a guide to implement processes and effective risk assessment strategies to avoid common barriers and damages. Organizations may also benefit from applying strategies to address the less common barriers and damages based on the impact to their organization. Through assessing the business model and operations, an organization can determine if the less common barriers and damages would have a substantial impact on their organization and apply those strategies as appropriate.

The data also reflects the most common strategy with gauging feedback on changes to business practices to monitor the external environment and implement the necessary changes, as found in the top-down model of adaptation. **Table 6** reveals that fluid communication from bottom to top can be an effective strategy for organizational compliance, which organizations can use to communicate changes through the organization. The findings illustrate that this method of feedback solicitation ensures compliance measures are met, the impact of non-compliance is well-understood by employees affected by the change, and that organization is effectively monitoring the external legal environment for additional changes. The findings of this study may equip organizations with information on barriers, damages, and strategies for complying with employment laws, to guide their focus for effectively monitoring and anticipating the external legal environment.

Table 6

Application to Theories and Concepts

Categories	Applicable Concepts	Concepts not Adopted
Political Risk Management	<ul style="list-style-type: none"> • Control technology • Contingency plan • Risk avoidance • Market research • Risk assessment • Building a reputation 	<ul style="list-style-type: none"> • Suitable projects • Suitable entry mode • Localization strategy • Good relations with public • Building relations with host government
Top-Down Model of Adaptation	<ul style="list-style-type: none"> • Fluid communication from bottom to top 	<ul style="list-style-type: none"> • All levels of management • Informed and adaptive decisions • Lack of autonomy

Implications for Social Change

The implications for positive social change involve the improvement of the social well-being of communities, and applicants affected by new employment legislation. Data revealed that most organizations employ strategies that involve effective job placement practices and focusing on an applicant's qualifications rather than their criminal backgrounds. While organizations are still required to run background checks, I found that doing so has little to no impact on an individual's performance. This shift in hiring practices may provide jobs, resources and hope to those employment-challenged individuals and reducing associated expenses of communities, by reducing unemployment rates and potentially the negative effects of crime. By implementing new hiring practices, this study provides organizations with encouragement and reassurance to prioritize applicants' qualifications when considering hiring individuals with unfavorable backgrounds.

This study also revealed information in Table 1 and Figure 3, that effective strategies involved working in an organization where the company culture and views are reflective of good morale and character that align with integrity and thereby aligns with the ethical standards involved in the changes in employment laws. This strategy to implement good morale and character in an organization, which may ultimately align with potential changes in employment laws, reinforces the benefit of an organization creating a positive work environment, which can be mutually advantageous to employees and the organization. This positive social change can lessen issues associated with harassment and hostile work environments, leave issues, and complaints of pay differences; thereby, creating an environment where employees can thrive without fear of retaliation or harassment, have a healthy work/life balance and be fairly paid for

their work as individuals, and not based on any racial or gender bias.

Recommendations for Action

To enforce positive social change, employers may find the results of this study helpful, and may share the strategies with their top executives, HR personnel, and legal teams to implement processes that may result in positive results for changes in hiring practices, and changes to internal business processes to monitor, anticipate and react to changes in employment laws. As this study reveals that such strategies may involve education, and changes to the company culture and views, this data can be used to train executives, management, HR personnel and legal teams on how to collaborate to ensure the organization is protected from any damages associated with failing to comply with employment laws. Participant G indicated that ideal company culture is one that harnesses, “Transparency and a culture of integrity. That was one of our key elements of our creed... Enforcing integrity and transparency on the HR team and throughout the organization (managers and employees).” Furthermore, Participant G shared that, “Our CEO had those same values, he expected his team to have integrity in that in your hiring practices, you don’t hire your best buddy.” As such, leaders are charged with creating effective strategies that align with a culture of transparency, integrity, communication, and collaboration. Employers can use the findings of this study to further engage their employees and management teams to create an environment using fluid communication through the top-down model of adaptation, and implement effective political risk management strategies to avoid and mitigate risks associated with compliance efforts for employment laws, to avoid barriers and damages that could be detrimental to the success and reputation of the organization.

Recommendations for Further Research

The potential limitation of this study was identified as the availability of organizations that are required to comply with employment laws because compliance may not be a requirement for some employers who have security risks that involves hiring individuals without criminal histories, such as in childcare facilities or organizations where a security clearance is required. However, this limitation was addressed by generalizing the interview questions to focus on employment laws, and participants provided open-ended responses related to their personal experiences with various employment laws, which was not limited to “ban the box” legislation. When participants were asked about the impact of “ban the box” legislation on their organization, some HR personnel were unaware of what their organization implemented to comply with the law, and some participants were in organizations that were exempt from the law as the industry required background checks before the job offer was made to an applicant. For future research, this limitation can be addressed by broadening the participant pool to include HR personnel who collaborate with the organization legal teams, and to include personnel who are part of an organization’s legal team. This adjustment in the participant pool will ensure participants have experience with monitoring the external legal environment to ensure compliance with employment laws impacting their organizations.

Reflections

My experience with the DBA Doctoral Study process has been challenging and rewarding. During the interview process, I realized that some participants wanted me to further clarify what I was looking for in their responses; however, I was able to redirect the participant to provide a response based on their own experience, and that they are free to discuss whatever

topic they feel would be best suited to respond to the question. That process was challenging, as I was inclined to guide their responses, but I was successful in not doing so, and allowing the participant to respond to the best of their ability. I also had preconceived ideas and values as I have had family members who were incarcerated, and they found it difficult to find employment based on their criminal backgrounds. This perspective allowed me to listen intently to the responses, and analyze the data with excitement as most of the participants indicated that their processes involve positive social change, as an applicant's criminal background has little to no impact on businesses who were impacted by that employment law. The data collection and analysis involved in this study has broadened my perspective on the HR roles associated with hiring practices, changes to internal business processes, and overall changes to the organization that may impose positive change or result in damages that impact the trajectory of the organization.

Conclusion

Employers can effectively anticipate change that may impact their organization by ensuring their internal process strategy, has a foundation centered on an environment where organizational values include integrity and good morale. Participants within this study found that integrity and good morale were best enforced through accountability (Table 1 and Figure 3), obtaining feedback (Table 3 and Figure 5) and complying with applicable laws (Table 5). When such elements are in place, it is inevitable that adaptation to evolving external factors such as employment laws, would become seamless.

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Appendix A: Informed Consent Form

*IRB Approval #11-22-21-0337324
Expires November 21, 2022*

CONSENT FORM

You are invited to take part in a research study about exploring business strategies for assuring compliance with changes in employment law. This form is part of a process called “informed consent” to allow you to understand this study before deciding whether to take part.

This study seeks eight to 10 volunteers who are:

- Human Resources (HR) personnel from five organizations located in the District of Columbia, Maryland and Virginia tristate area.
- HR personnel who have varying experiences and perspectives who have implemented strategies to align with mandated legislation and other existing and new employment laws.
- HR personnel who have more than five years of experience in recruiting interviewing and onboarding applicants, as well as updating internal business practices to comply with laws and regulations.

This study is being conducted by a researcher named Kyla M. Vanchieri, who is a doctoral student at Walden University.

Study Purpose:

The purpose of this study is to explore strategies HR personnel use to anticipate and react to employment laws, to avoid compensatory and punitive damages.

Procedures:

This study will involve you completing the following steps:

- Take part in a confidential, recorded audio conference interview (1 hour)
- Review typed transcript of your interview to make corrections if needed (email option available) (15 minutes)

Here are some sample questions:

- What are the compensatory and punitive damages your organization may experience with failing to comply with employment law?

- What strategies does your organization use to monitor, anticipate, and prepare to address changes in the external legal environment to assure compliance to mitigate compensatory and punitive damages?
- What were the key barriers to implementing the strategies for the identification and implementation process of employment laws for your organization?
- How has your organization developed strategies in response to the enactment in 2020 for “ban the box” legislation when considering an applicant for employment?

Voluntary Nature of the Study:

Research should only be done with those who freely volunteer. So everyone involved will respect your decision to join or not. No one at your organization will treat you differently based on whether you volunteer or not.

If you decide to join the study now, you can still change your mind later. You may stop at any time.

Risks and Benefits of Being in the Study:

Being in this study could involve some risk of the minor discomforts that can be encountered in daily life such as sharing sensitive information. With the protections in place, this study would pose minimal risk to your wellbeing.

This study offers no direct benefits to individual volunteers. The aim of this study is to benefit society which may potentially result in creating an inclusive hiring practice for organizations, which could improve the social conditions by promoting the development of communities and reducing crime rates.

Once the analysis is complete, the researcher will share the overall results by emailing you a summary.

Payment:

There are no monetary incentives involved with your participation of this study.

Privacy:

The researcher is required to protect your privacy. Your identity will be kept confidential, within the limits of the law. The researcher is only allowed to share your identity or contact information as needed with Walden University supervisors (who are also required to protect your privacy) or with authorities if court-ordered (very rare). The researcher will not use your personal information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in the study reports. If the researcher

were to share this dataset with another researcher in the future, the dataset would contain no identifiers so this would not involve another round of obtaining informed consent. Data will be kept secure on an encrypted storage device secured with a password. Data will be kept for a period of at least 5 years, as required by the university.

Contacts and Questions:

You can ask questions of the researcher by email, at kyla.vanchieri@waldenu.edu or phone, at 410-710-7411. If you want to talk privately about your rights as a participant or any negative parts of the study, you can call Walden University's Research Participant Advocate at 612-312-1210. Walden University's approval number for this study is 11-22-21-0337324. It expires on November 21, 2022.

You might wish to retain this consent form for your records. You may ask the researcher or Walden University for a copy at any time using the contact info above.

Obtaining Your Consent:

If you feel you understand the study and wish to volunteer, please indicate your consent by replying to this email with the words, "I consent".

Appendix B: Interview Protocol and Questions

Action	Script
Provide an introduction to start the interview.	<p data-bbox="776 422 1308 1035">Thank you for joining me today. As shared in the email, my name is Kyla Vanchieri, DBA student at Walden University, and I'm conducting the interview today as part of my research to explore business strategies for assuring compliance to changes in employment laws, to avoid compensatory and punitive damages.</p> <p data-bbox="776 1150 1308 1764">As a reminder, your participation will involve responding to interview questions related to your HR role in your organization, which may include the potential to create an inclusive hiring practice for organizations, which could improve the social conditions by promoting the development of communities and reducing crime rates.</p>

	<p>I have eight open-ended questions to share with you today. I appreciate your participation and I value your time, so without further delay, we will get started.</p>
<p>Introduce each question, along with the number for the question as a measure of time for both the interviewer and participant. After each question, I will pause to allow the participant an opportunity to provide a comprehensive and un-interrupted response. Additionally, I will ask for the participant to elaborate on any significant issue, as appropriate.</p>	<ol style="list-style-type: none">1. What are the compensatory and punitive damages your organization may experience with failing to comply with employment law?2. What strategies does your organization use to monitor, anticipate, and prepare to address changes in the external legal environment to assure compliance to mitigate compensatory and punitive damages?3. What were the key barriers to implementing the strategies for the identification and implementation process of employment laws for your organization?

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4. How have you been addressing key challenges to implementing your organization's strategies to assure compliance with employment law?
 5. How, if at all, do your organizational strategies solicit feedback from middle and lower management on changes to internal business practices in response to changes in employment law?
 6. How has your organization developed strategies in response to the enactment in 2020 for "ban the box" legislation when considering an applicant for employment?
 7. How have the changes in employment law affected your organization's strategy to select the right applicant and avoid compensatory and punitive damages?
 8. What other information would you like to share about strategies your
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	<p>organization uses to anticipate and react to changes in employment laws to avoid compensatory and punitive damages?</p>
<p>Provide closing remarks.</p>	<p>Thank you for your time today. As a reminder, I will send you a summary of the interview for your review to ensure I captured your responses accurately.</p>