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Exploring business strategies for assuring compliance to changes in employment laws

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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 located in the District of Columbia, Maryland, and Virginia tristate area who implemented successful strategies to align with mandated legislation and other existing and new employment laws. Data were collected using semistructured interviews and 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 increased employment among marginalized members of society, including persons with criminal histories, which may reduce crime rates, recidivism, and reliance on government assistance programs.

Keywords: Human resources, strategies, employment laws, ban the box, compliance

1. Introduction

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) [13]. Monitoring the external factors has a cultivating influence on an organization (Nekrasov & Melnyk, 2017) [21]. 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) [21].

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) [13]. 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 the criminal history box or field in employment applications (Von Bergen & Bressler, 2016) [33]. 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) [33]. 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.

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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. 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) [31], 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) [30]. 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) [15], 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.

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.

2. Materials and Methods

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) [10], unknown, unquantifiable, immediate, and short-term. Breuer *et al*. (2020) [2] 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.

2.1 Research Design

The research design for the study was the exploratory multiple case study design. The exploratory case study design is used to explore strategies of an organization and understand the underlying occurrence (Onwuegbuzie & Leech, 2005) [23]. 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) [19] 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) [34]; whereas a single case study design was not effective in analyzing the effectiveness of business strategies across multiple organizations.

The exploratory multiple case study design is best suited for issues that have seldom been investigated (Ghezzi & Cavallo, 2020) [14]. 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) [26]. The grounded theory design includes established suppositions (Flynn & Korcuska, 2018) [11]; therefore, the grounded theory design would not be suitable for this study containing understudied matters. Hare *et al*. (2018) [16] indicated that the ethnographic design included the observations of people, behaviors, and organization culture. The ethnographic design would not be effective, because there was no need for longevity of on-site observations. The phenomenology research design contains the evaluation of foundational phenomenon (Darvin, 2020) [6]; therefore, the phenomenology research design would not assist in exploring current strategies.

2.2 Population and Sampling

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) [29], HR managers with at least 5 years of work experience, is a common necessity for most employers. Conversely, according to Oztimurlenk (2020) [25] 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) [4]; therefore, study participants were selected 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) [4]. For example, purposive sampling may be subject to sampling biases, as it serves as an intentional method of selection (Oyieke & Dick, 2017) [24].

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) [17];

therefore, job vacancies were reviewed to obtain information on 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 the interpretation of their responses.

Saunders *et al.* (2018) [27] found that inductive thematic saturation may result in the identification of new themes, even if the theme is incomplete. Saunders *et al.* 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. 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) [1]. Data saturation occurs when the researcher notices that there is no new concept or idea mentioned by the participants in the interviews (Alam, 2020) [1]. Data saturation contains the redundancy of information (Alam, 2020) [1]; therefore, for the study, interview transcripts were reviewed for redundant matters. Including open-ended questions in the interview provided the opportunity for participants to share pertinent information concerning their experiences. Furthermore, each participant had the opportunity to share more information beyond the context-specific questions.

2.3 Data Analysis

The data analysis included data triangulation. Farquhar *et al.* (2020) [9] 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. Therefore, within-method triangulation was used for the semi structured interviews included in this exploratory case study using the first-hand perspective of the researchers in connection with the semi structured interviews.

Eke and Singh (2018) [7] used content analysis as a data collection source to analyze the impact of external factors on the outcome of the participants' strategic approach. Therefore, content analysis was used in the study by reviewing company documents, websites, manuals, and 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) [28] found that ATLAS.ti can be used 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. ATLAS.ti was used 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) [27]. Therefore, inductive coding is a method of analysis employed by ATLAS.ti. While using ATLAS.ti, Vila-Henninger (2019) [32] 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) [32].

After coding the raw data using ATLAS.ti, the information was organized by category to further analyze 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, themes were identified related to the consequential ineffectiveness from the political risk management theory proposed by D'Agoôt (2020) [5]. Trends were reviewed 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) [12].

3. Results & Discussion

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) [22]; (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) [12] 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) [3] identified 27 strategies, which included: (a) making corrective decisions includes conducting market research; (b) choosing a suitable entry mode; (c) choosing suitable projects; (d) building proper relations with host governments; (e) implementing a localization strategy; and (f) 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) [3] 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*. (2018) [3] 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.

3.1 Strategies to Anticipate and React to Changes in Employment Laws

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. Study findings indicate 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. Study findings 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 to refocus efforts on creating a stable environment to eliminate and reduce the inability to maintain discord (D'Agoôt, 2020) [5]. The concept of political risk management is found in the data, 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. Study findings 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. Study findings 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) [12]. 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.

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.

3.2 Strategies to Anticipate and React to Changes in "Ban the Box" Legislation

As it relates to "ban the bo*x*" legislation, study findings 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. Study findings 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.

3.3 Obtaining feedback on the reaction to changes in employment laws

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. Study findings 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 adaptation 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.

4. Tables

Table 1: Organizational trends

Categories	Most common	Least common
Barriers for Compliance	Non-compliance	Failure to understand impact
	Lack of buy-in/interest	Lack of transferable HR skills
	Lack of comprehension	Language barriers
	Lack of financial resources	Rigid hiring practices
	Inability to change human behaviors	Lack of reinforcement
	Lack of technology	
	Lack of feedback solicitation	
	Focus on business profits	
	Impact of COVID-19	
Damages for Non-Compliance	Pay fines	Negligent hiring
	Loss of business	Loss of employee interest
	Unaware	Loss of reputation
	Settlements	Bad press
	Lawsuits	Union issues
		Loss of business partners
		Audits
"Ban the Box" Legislation	Complete background checks	Unaware
	Job matching	Legal team
	No impact	Revise hiring practices
	Compliance	Implement substance abuse services
	Exempt from compliance	Software updates
	Case-by-case approach	

Table 2: Organizational strategies

Categories	Most Effective	Least Effective
Strategies for Feedback	No feedback solicitation	Open-door policy
	Internal surveys	On-boarding surveys
	Individual one-on-one meetings	Market surveys
	Management meetings	Exit interviews
		Customer reviews

Strategies for Compliance		Performance discussions
	Education	Awareness
	HR team	Compliance regulated by government partners
	Company culture/views	Record-keeping
	Legal teams	Effective leadership
	Communication	Solicit feedback
	Software programs	Standard operating procedures
	Training	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

5. Conclusions

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, study founds indicate 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 that effective strategies included 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. 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.

Employers can effectively anticipate change that may impact their organization by ensuring their internal process strategy and 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, obtaining feedback, and complying with applicable laws. 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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