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Influencer!



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DOJ Evaluation of Corporate Compliance Programs April 2019

DOJ = Department of Justice

I. Is the Corporation's Compliance Program Well Designed?

The "critical factors in evaluating any program are whether the program is adequately designed for maximum effectiveness in preventing and detecting wrongdoing by employees and whether corporate management is enforcing the program or is tacitly encouraging or pressuring employees to engage in misconduct." JM 9-28.800.

C. Training and Communications

Another hallmark of a well-designed compliance program is appropriately tailored training and communications.

Risk-Based Training – What training have employees in relevant control functions received? Has the company provided tailored training for high-risk and control employees, including training that addresses risks in the area where the misconduct occurred? Have supervisory employees received different or supplementary training?

Form/Content/Effectiveness of Training – Has the training been offered in the form and language appropriate for the audience? Is the training provided online or in-person (or both), and what is the company's rationale for its choice? Has the training addressed lessons learned from prior compliance incidents? How has the company measured the effectiveness of the training? Have employees been tested on what they have learned? How has the company addressed employees who fail all or a portion of the testing?

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II. Is the Corporation's Compliance Program Being Implemented Effectively?

A. Commitment by Senior and Middle Management

Beyond compliance structures, policies, and procedures, it is important for a company to create and foster a culture of ethics and compliance with the law. The effectiveness of a compliance program requires a high-level commitment by company leadership to implement a culture of compliance from the top.

Shared Commitment – What actions have senior leaders and middle-management stakeholders (e.g., business and operational managers, finance, procurement, legal, human resources) taken to demonstrate their commitment to compliance or compliance personnel, including their remediation efforts? Have they persisted in that commitment in the face of competing interests or business objectives?

III. Does the Corporation's Compliance Program Work in Practice?

A. Continuous Improvement, Periodic Testing, and Review

One hallmark of an effective compliance program is its capacity to improve and evolve. The actual implementation of controls in practice will necessarily reveal areas of risk and potential adjustment. A company's business changes over time, as do the environments in which it operates, the nature of its customers, the laws that govern its actions, and the applicable industry standards. Accordingly, prosecutors should consider whether the company has engaged in meaningful efforts to review its compliance program and ensure that it is not stale. Some

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Best Practices: Types of Training

- **Compliance Training** – provide training to employees on local, state, federal, and internal policies and procedures (ex. Code of Conduct/Ethics, Harassment).
- **New Hire Training** – provide training to new employees on how to perform their actual jobs/tasks.
 - Is there an agenda? (Who, What, When, Where, Why)
 - Is there a learning curve for new hires?
- **Tailored Training (New Hire & Existing Employees)** – provide training for specific employees for specific tasks within the organization (ex. payroll, procurement, customer service).
- **Auditing & Monitoring** = “Checks and balances” – All training requires a review (auditing) to ensure that the program is effective and that the training program is being reviewed on a regular basis (monitoring).

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Best Practices: Training Tips

- Make sure the trainer is skilled and qualified to train
- Provide different training methods (classroom, computer-based, hands-on)
- How will “knowledge retention” be captured? One of the most effective “knowledge retention” methods is to test the associate’s knowledge
- Employ visual aids, mock setups, real life recordings or real-life scenarios
- Use positive reinforcement (incentivize and gamification)
- Get feedback from employees (use surveys or questionnaires)

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Best Practice: Empower Employees

- ✓ Keep your training engaging and current
- ✓ Don't be afraid to stray from the typical corporate training models
- ✓ Be bold, be memorable, try new things
- ✓ Be proactive, not reactive!

Fun Fact: Chick-fil-a purposely train employees to provide "2nd mile" service.



Best Practices – Training
Photo Credit: Ty Young

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Best Practice: Empower Employees

Google uses the "g2g" (googler-to-googler) training method = employee-to-employee training.

- ✓ Roughly 6000 Google employees assist w/training
- ✓ At least 80% of internal training is through g2g

Fun Fact: Google states that "the employees are probably the most qualified instructors for training."

Source: https://medium.com/@vibons_video/learning-development-best-practices-from-the-top-silicon-valley-companies-792a615220aa



Best Practice: Empower Employees

Amazon uses the "A2Tech" (associate-to-tech) training method = employee-to-employee training.

- ✓ 90-day program for employees (IT support)
- ✓ Temporary technician for 90 days
- ✓ Eight hours/weekly of online courses
(Must obtain CompTIA A+ certification for IT promotion)

Fun Fact: Amazon allows you to schedule a "tour" at one of their 23 fulfillment centers in the US.

Source: <https://blog.aboutamazon.com/operations/a-tech-job-without-college>



Best Practices – Training

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Best Practice: Start with the Basics!

“Training” Lessons Learned (Lifecycle Consultants):

- ✓ Know your team! Everyone learns different, make sure your trainer understands that!
- ✓ Good leaders roll up their sleeves and dig in with employees, but also understand how to monitor ongoing changes with the training program.
- ✓ Do not set unrealistic expectations for the training program. Know when the program has failed, pick your team back up and continue to shoot for SUCCESS!”

Fun Fact: Some ADP associates telecommute because of the “travel time” in Atlanta.



Best Practices – Training
 Source: ADP - HRO Director of Health & Wealth (Penny H.)
 Photo Credit: Ty Young

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