

Navigating Employee Discipline & Terminations with Confidence

Presented by:

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Terrible Terminations

- ▶ 2010: Terminated Kraft Foods employee escorted out, returns to shoot 3 co-workers, killing 2 before being captured
- ▶ 2010: beer distributor employee resigns rather than be fired for theft, opens fire while being escorted out and kills 9 co-workers – pistol in lunchbox
- ▶ 2010: Atlanta Penske employee laid off 6 months earlier returns and shoots 5, killing 2 – survivor sues Penske for \$20 million
- ▶ 2012: terminated employee kills co-worker and shoots 8 others outside Empire State Building

Many more examples...

How Much Does it Cost to Terminate an Employee??

- ▶ A 2016 report from the Society for Human Resource Management (SHRM) found that the average expense to bring on a new worker is \$4,129, requiring approximately 42 days to get the position filled.

This means 42 days of delegating the workload to another employee(s)!

How to AVOID Bad Hires that Result in Termination

- ▶ Rushing the hiring process
- ▶ Ignoring cultural fit, relying solely on gut feelings
- ▶ Not having a structured interview process
- ▶ Vague job descriptions
- ▶ Neglecting to check references
- ▶ Overlooking potential red flags
- ▶ Failing to assess soft skills alongside technical skills AND
- ▶ Not considering current employees for internal opportunities

Today's Topics:



Common
Issues With
Employees
Conduct
Which CAN
Lead to
TERMINATION!
!

- ▶ Attendance and Punctuality
- ▶ Performance Issues
- ▶ Insubordination
- ▶ Dishonesty & Integrity Issues
- ▶ Harassment or Discrimination
- ▶ Misuse of Company Resources
- ▶ Health & Safety Violations
- ▶ Communication Issues
- ▶ Any many more!!(You can't make this stuff up!)

Practical strategies for effective disciplinary actions

- ▶ Establish Clear Expectations and Policies
 - ▶ Always Refer to the Employee Handbook
 - ▶ Does your organization practice progressive discipline
 - ▶ Communicate At-Will employment (include in offer letter)
 - ▶ Ensure Fairness and Consistency
 - ▶ Address Issues Promptly
 - ▶ Focus on Improvement, not just punishment



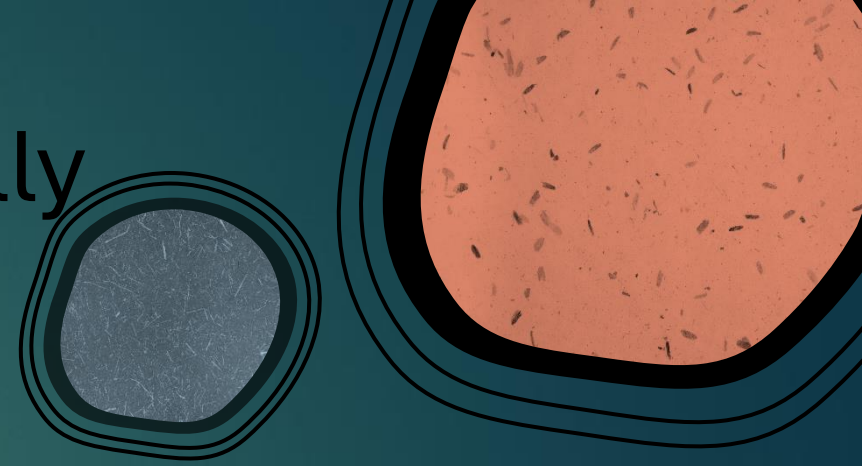
Best practices for staying compliant with labor laws

- ▶ Attend conference seminars to stay abreast of new laws and regulations
- ▶ Participate in HR Roundtables
- ▶ Attend networking events
- ▶ Subscribe to newsletters
- ▶ Purchase memberships, CFLCA, APMA, FELS, SHRM, Cal Chamber, HRCI
- ▶ Have your legal counsel on speed dial!!

Maintaining fairness and minimizing conflicts

- Establish Clear Policies and Expectations
- Promote Open and Transparent Communication
- Apply Policies Consistently
- Seek to Understand Before Acting in Conflicts
- Recognize and Reward Fairly
- Encourage Collaboration and Teamwork
- Provide Conflict Resolution Training
- Be Transparent with Decision-Making
- Foster an Inclusive Feedback Culture (open door policy)
- Mean what you say, say what you mean

Handle tough situations professionally



- Know your audience
- Remain calm
- Active listening
- Build rapport and trust
- Keep confidential matters **CONFIDENTIAL!!**
- Refer to handbook
- Focus on solutions
- Act swiftly
- Only involve necessary parties
- Don't take things personally
- Report facts
- Conduct impartial investigations
- Always have a witness present when handling terminations

Ensure a balanced and respectful approach to employee management

- ▶ Schedule regular meetings (quarterly, mid-year or as necessary)
- ▶ Provide constructive feedback and recognition
- ▶ Encourage open communication
- ▶ Provide regular training and development opportunities
- ▶ Apply policies equally to all employees
- ▶ Foster a culture of respect and inclusion
- ▶ Encourage collaboration and teamwork
- ▶ Support work-life balance
- ▶ Lead by example

How to Terminate an Employee



**YOU'RE
FIRED**

Pre-Termination Questions:

- ▶ **Is the reason for my decision completely and accurately documented, setting forth the facts and details supporting the decision?**
- ▶ **Is there a legitimate business reason for the decision that I can fully and easily explain?**
- ▶ **Is the decision consistent with established company policies? Is the employee aware of the company policies?**
- ▶ **If the decision regards a performance issue, has the employee been trained on how to perform the task correctly, and have I given the employee a chance to improve his/her performance.**

How to Terminate an Employee

Pre-Termination Questions Cont'd:

- ▶ Have my performance evaluations regarding the employee been thorough and accurate, and have I only rated the employee as good or satisfactory when he or she deserved such a rating?
- ▶ Have I fully listened to and considered the employee's side of the issue?
- ▶ Is my decision consistent with any similar decisions in the past, and have I checked with the personnel department and other supervisors to make certain how similar situations have been treated?
- ▶ Is there any lesser discipline than what I am considering which would accomplish the same goal I am trying to achieve?

How to terminate an Employee

What Should Be Said About the Reasons for Discharge

- ▶ Be honest, and make sure the employee understands. The employee may not agree with your rationale, but he or she is more likely to get angry if they think you are lying to them.
- ▶ Unfortunately, many times, the only performance documentation in the employee's file will be a perfunctory evaluation that says he or she is performing satisfactorily, because the employer did not want to make the employee feel bad by writing up a poor evaluation, or because the employer did not want to take the time to do a proper evaluation.



How to Terminate an Employee

Documentation:

Employers should give immediate written notice to an employee of a change in the employment relationship.

No specific form is required for a notice of termination, but the notice should be given to the employee, and a copy should be retained for the employer's records.

When a terminated employee applies for unemployment insurance, an employer should refer to the termination notice to verify the reasons for termination. The notice may serve as evidence to challenge the granting of unemployment insurance benefits.



How to Terminate an Employee

Nuts & Bolts:

Have

- Have a face to face meeting

Have

- Have a witness

Take

- Take good notes

Keep

- Keep it short and sweet



What if it all goes WRONG??

Threat Assessment:

- ▶ The goal of threat assessment is to review the credibility and viability of the threat; i.e., is this threat likely to be acted upon, or is it simply “blowing off steam.”

The assessment should evaluate:

1. The exact nature and context of the threat or threatening behavior;
2. The target of the threat, if identifiable;
3. The motivation behind the threat; and
4. The apparent ability to carry out the threat.



What if it all goes WRONG??

The assessment should allow the employer to preliminarily designate the threat as either something that requires immediate intervention:

“I’ve got a gun in my locker, I’ll be back” means you call the police;

or one that can be dealt with by less immediate measures:

“I can’t believe you’re doing this to me” means you can try to make sure they understand.

Remember your two minute test.



Questions and Thank you!