



June, 2012

Vital Business Solutions Newsletter

Managing Workplace Issues

Most workplaces operate in harmony most of the time. However, when they don't, an employer should have steps in place to get things back on track as quickly as possible. Behavior issues and grievances can affect your business' bottom line due to loss of productivity and financial costs associated with employee replacement. In addition, your business may be required to pay increased premium costs for insurance plans. Whether it is violation of your driving policy or poor performance, the result can be costly.

Managing workplace issues begins before your new hire starts. It is important to know and share your business culture, write clear and concise job ads, screen applicants adequately, share a detailed position description with the new employee, and set clear expectations from the screening and selection process to the time of hire and throughout the employee's tenure.

Even after selecting and hiring the best candidate for your company and the job, issues and grievances will arise, mostly due to policy violations. A well-written employee handbook can be a valuable resource for both the employee and the employer. It will help guide and inform the employee on the company's mission, values, policies, procedures, and benefits, as well as outline the consequences of violation and how issues will be handled. Further, it helps protect the employer against claims of unfair treatment.

Administering Discipline

Reasons for disciplinary actions stem from common violations of workplace policies and rules, poor performance, abuse of time, and serious misconduct. The level of discipline depends on the type of violation. You may place an employee on a performance improvement plan (PIP) for poor performance or issue a verbal warning for tardiness, however, gross misconduct may require immediate termination depending on your policy.

The following are nine discipline practices to consider:

1. Set an example by displaying appropriate behavior.
2. Address issues as soon as they arise.
3. Conduct thorough investigations with care.
4. Refer to your employee handbook on the particular issue being addressed
5. Communicate consistently when you see a problem with behavior or performance.
6. Communicate, whether verbally or in writing, with the intention of looking for corrective actions to help the employee improve.
7. Warn or terminate employees correctly, administering the proper level

of discipline for the type of offense and documenting the process (tracking the process often saves employers, if challenged by EEOC).

8. Consider final warning and putting employees on Performance Improvement Plan (PIP). If managed correctly and the employee is truly appreciative of the opportunity to remain employed, the plan can work.
9. Treat employees fairly and maintain respect for supervisor and management. Make sure you involve legal counsel, if it becomes necessary.

Your HR manager is a great source of support at these critical times. Be prompt, fair, consistent, and try to resolve disputes rather than pursue litigation.

When Can You Terminate an Employee?

If you must fire an employee, be sure you can prove progressive discipline leading up to the termination. An exception to this practice is when there is gross misconduct and the employee must be fired immediately.

Make sure you follow your business' disciplinary and termination policy. The typical sequence for disciplinary actions is:

1. Open dialogue with two-way communication to keep the issue from progressing further.
2. Oral warning made in private to avoid embarrassing the employee.
3. First written warning outlining the problem and the correction to be taken.
4. Final written warning with a deadline for improvement. Some companies give a second warning, then if there is no improvement, a final warning is given.
5. Suspension (can be skipped)
6. Termination

Each step taken must be accurately and timely documented. However, it may be necessary to move straight to termination, if the issue warrants it.

How do you demonstrate that a terminated employee was treated fairly?

It is important that the proper steps are taken prior to terminating an employee. Except for immediate discharge in response to violence or threat of violence, illegal activity, record falsification, or other gross misconduct, it is good practice to employ progressive discipline. Issues must be investigated thoroughly and adequate thought must be given to each situation. Finally, all employees should receive the same type of discipline for similar violations.

Please note that union environments may handle the discipline process differently.

Hennrietta Smith, President

Vital Business Solutions, Inc.

202-832-1388 www.vitalbusinesssolution.com

hsmith@vitalbusinesssolution.com

The information provided in this newsletter is for awareness only and not intended as legal or tax advice. Please consult with your legal counsel and/or tax or payroll professional on legal and tax matters.

Vital Business Solutions is an one-stop shop human resource and organizational development company that provides simplistic systems to your complex business needs. Our goal is to provide solutions to your human resource and organizational development challenges. www.vitalbusinesssolution.com