Arkansas Community Action Agencies Association

IF I RAN THE CIRCUS: HUMAN RESOURCES: WHAT TO WATCH



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Human Relations at the Circus

- Diversity Mandates Good Human Relations
- Participative Management
- Employee Involvement
- Solicit Input
- Listen
- Patience
- "Golden Rule"

Human Relations (continued)

- Uniform and Consistent Application of Policies and Procedures
- Good Communication clear, concise directions
- Let employee "win" one now and then
- Learn how to say "I was wrong"
- Remember the "Golden Rule"
- Are we all under the same circus tent? Inclusion.

Employee Due Process

- Notion of basic fairness
- Communication (notice) of behavior and job performance standards
- Following procedures

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A chance to be heard before action is taken
 Still at-will.

Employee Due Process (continued)

- Full and timely investigation and follow-up (plus cooling off period, too)
- A graduated system of penalties
- Unbiased review and an appeals process
- Consider methods to allow complaints about appraisals

Employer Social Responsibility

To "salvage" employee

Better us than society

Burden on Employer - Heavy

- Burden of proof, heavy
- Must show procedural fairness and due process
- Is "just cause" necessary?
- Rules, policies, and discipline must be reasonable
- Discipline applied uniformly and in nondiscriminatory manner
- Prepare appraisals fairly
- Documentation if it's not written, it didn't happen

Employee Responsibilities

- Maintenance of production/service standards quality, quantity and priorities
- Responsible use of working time self and other employees
- Cooperation with supervision and other employees
- Respect for other employees and their property
- Observance of safety and health rules

Employee Responsibilities (continued)

- Proper use and maintenance of company equipment and materials
- Maintenance of attendance standards, including notification
- Maintenance of housekeeping standards
- Personal appearance or dress
- Protection of confidential information

Prohibited Conduct

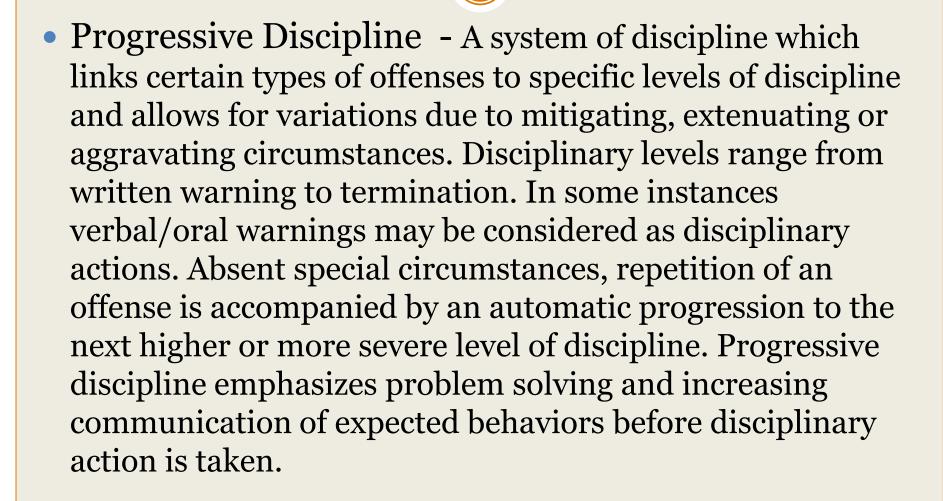


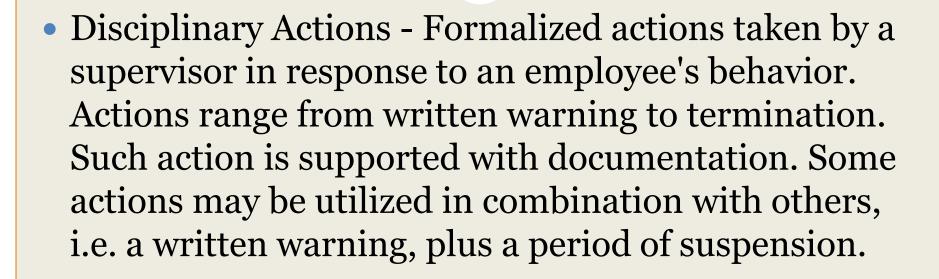
- On the job use or possession of alcohol/illegal drugs (or being under the influence)
- Possession of weapons
- Sexual harassment
- Insubordination
- Theft (or unauthorized possession)
- Smoking in restricted areas
- Falsification of records
- Fighting on the job



Do you know it?

Follow your "Uniform Conduct Standards"





 Letter of Clarification - Written documentation to preserve an informal discussion between the supervisor and employee regarding a work-related behavior. Often referred to as a "counseling" or "memo of understanding", this document may not be considered a disciplinary action. Such a letter of clarification may serve as the foundation for future disciplinary actions if unacceptable work-related behaviors are not corrected, or recur.

Get the Employee's Side of the Issue

Get the Employee's Side of the Story

- Listen to the employee carefully
- Document exactly what was said
- Create accurate historical record
- Documentation prevents later fabrication

The Employee's Story



- There are two objectives for documenting the employee's side of an issue.
 - Behavioral
 - Strategic

The Employee's Story (continued)



- Behavioral understand the conduct so as to effect a positive change
- Strategic create a historical record as well as:
 - Increase likelihood management will act on basis of best information
 - Reduce risk employee will make up new "facts" later

DOCUMENT, DOCUMENT!

- There are many reasons why documentation is critical in the employment context
- To improve and enhance employee performance
- To reward good and exceptional performance
- To assist in counseling poor performance
- To provide a record of progressive discipline, if applicable

- To have a written record of events which occur in the workplace
- To demonstrate logic of employment decision
- To demonstrate equity in employment decisions
- To jog supervisor memories after sometimes long after – an event occurs

- To establish the facts as they occurred and "fix" those, so later they cannot be changed by an employee, for example, in an attorney's office
- Supervisors may change and new supervisors need a written record of performance for future use
- To use as a defense to claims of employees for discipline and termination

• If written documentation exists to establish that certain performance or actions occurred on a particular date, employees, former employees, and/or their attorneys, are less likely to file or continue pursuing claims against an employer

The Dreaded Documentation

- "I'm too busy."
- "I've got a lot of other work to do."
- "I don't have time."
- Excuses, excuses, excuses......
- Documentation is part of what management does.
- YOU ARE MANAGEMENT!
- GOOD MANAGERS DOCUMENT!

Making Documentation Effective

- Organize
- Keep related ideas together
- New paragraphs for new ideas
- Be clear
- Be concise
- Use active voice
- Limit each sentence to single idea

- Use short but complete sentences
- Avoid statements of personal opinion
- Focus on job-related standards and behaviors
- Focus on important incidents and behaviors
- Avoid fancy words

Making Documentation Effective

- Do promptly while memories are fresh
- Don't postpone documentation merely because of insufficient time to create a perfect memo
- Focus on important incidents and behaviors
- Establish internal system to check for consistency
- Focus on job-related standards and behaviors
- Reflect good faith attempts to salvage the employee
- Ensure appraisals and documentation consistent
- Take action to bridge past warnings

Written Warning

It was reported to me that you are not doing your share of the work in the department. I realize that we all get slower with age and that you have had several health problems. However, you need to do your share of the work and not assign it to the younger employees. If your performance does not improve, we will need to talk again.

Signed: <u>I. M. Clueless</u>
Supervisor

Written Warning

Date:
Dalt.

I have observed that you are not processing the amount of work expected. It is important that you improve your performance in this area since it places a burden on the other employees in your department. If your performance does not improve in thirty (30) days, we will have to terminate your employment.

Signed: _____

Supervisor

The EEOC Says:

"If an action is not documented by a written record, state the offense and the resulting action, and <u>explain</u> why it is not recorded."

RECOMMENDATIONS



INCIDENT FILE VS PERSONNEL FILE

Remember!

THE "SYSTEM" DOESN'T BELIEVE YOU!

YOU'RE MANAGEMENT.

Watch out for Retaliation!

You need that documentation trail!

Progressive Discipline

- Assures due process
- Gives employee extra chance
- Adequately warns employee

Warning the Employee

- Specific examples of shortcomings or infractions
- An opportunity to present their own case
- Respect
- A clear understanding of the consequences
- Specific recommendations to correct performance
- A positive attitude from management
- A second chance

DR. SEUSS

- "A person's a person, no matter how small."
- It's good to remember that everyone deserves the same respect, no matter their size, the way they look, or their place of residence.

Implementing Disciplinary Action



- Describe facts of incident don't judge
- 2. Ask what happened
 - Listen to employee's side
- 3. State policy violation
 - Share your point of view
 - Explain
- 4. Commit yourself to problem solving approach
- 5. Get commitment for improvement
 - State your expectations clearly
 - Request employee's cooperation

Steps of Insubordination



- 1. Order given
 - Clear
 - Concise
 - Direct
- 2. Repeat the order
 - Clear
 - Concise
 - Direct
 - Warning of discipline
- 3. Ask for explanation communicate Why?

Steps of Insubordination (continued)

- 4. Repeat the order (Get a management witness)
 - Clear
 - Concise
 - Direct
 - Warning of discipline
- 5. Discipline

Purpose of Performance Appraisals

Constructive feedback

Record of performance

Compensation tied to it

Importance

 Documentation for future litigation (poor documentation is often worse than none)

Constructive approach to performance

What the Appraisal Should Be

- A conversation with the employee about his/her performance
- A process for on-going development of the employee
- Tailored to the employee
- A system which depends on the manager to manage.

What the Appraisal System Should Not Be

- Not a complex series of grades, numbers, or formulas
- Not a bureaucratic maze that makes the person fit onto a performance grid
- Not an "officer efficiency report"

Potential Attacks to an Appraisal System

- Vague standards
- Procedures not followed by supervisors
- Lack of valid review procedure
 - o review of reviewer–not rubber stamp
- Lack of job-relatedness (e.g., racial/sex stigmatisms)

Position Description

- Must have a current position description
- Important for performance evaluation
- Important to have duties specified for ADA/FMLA
- Must reflect essential job functions
- Update annually and when job changes

Criteria for Effective Appraisals

- On-going process
- Participative employee contribution
- Involves two-way communication consensus building
- Based on job relevant behavior
- Based on performance criteria—not personality traits

Criteria for Effective Appraisals

- Emphasis on positive as well as negative feedback
- Offers constructive and specific actions for improvement
- Separates appraisal of current job performance from potential for future jobs



- Base appraisal on the performance of the job functions
- Do a draft first before finalizing

- Have evaluation thoroughly reviewed by upper management
- Communication with the employee
- Allow the employee to appeal an unfavorable evaluation

- Look out for adverse impact in the area/ department by specific supervisor, etc.
- Achieve common understanding among supervisors regarding performance rating scale and definition of terms
 - Communicate these to the employees
- Write the appraisal, as well as any documentation, with this question in mind: "How will this appraisal look when projected on a screen in front of an arbitrator or a jury?"

- Make satisfactory completion of the performance appraisals part of the appraiser's own performance review
- Focus on the act, not the actor
- Protect employee's privacy by limiting internal communication of performance appraisal contents to those who have a business need to know



3. GIVE EXAMPLES WHERE POSSIBLE!

Best Appraisal Discussions Are

- Descriptive
- Problem oriented
- Empathetic
- Equal
- Provisional
- Cause-oriented

Not evaluative

Not controlling

Not neutral

Not superior

Not certain

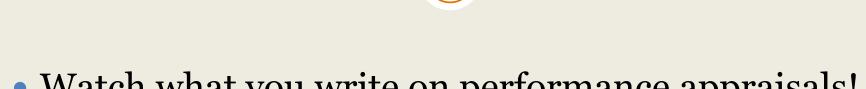
No conclusion

Potential Problems of Poor Appraisal

- Negligent evaluation
- Inaccurate evaluation which is released to potential future employers
- Claims of favoritism and bias
- Disciplinary problems associated with inaccuracies

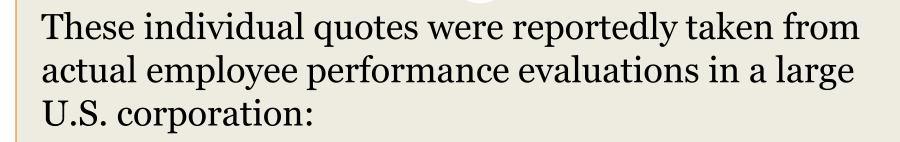
Advantages of Candid Appraisal

- Support successful defense of possible future negative personnel decision
- Comparison with appraisals of better performing employees will demonstrate reasonable cause for the employer's actions
- Helps maximize long-term productivity of the organization as a whole
- Has morale-enhancing effect on entire workforce



Watch what you write on performance appraisals!

"Think" before you fill out the form!



"I would not allow this employee to breed."

• "When she opens her mouth, it seems that it is only to change feet."

"This young lady has delusions of adequacy."



- "He sets low personal standards and then consistently fails to achieve them."
- "This employee is depriving a village somewhere of an idiot."
- "Got a full six-pack, but lacks the plastic thing to hold it all together."
- "A gross ignoramus 144 times worse than an ordinary ignoramus."



• "He doesn't have ulcers, but he's a carrier."

"I would like to go hunting with him sometime."

"He's been working with glue too much."

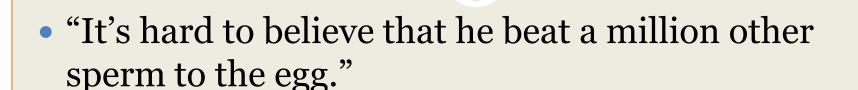
"When his I.Q. reaches 50, he should sell."



• "Has two brains: one is lost, and the other is out looking for it."

• "If he were any more stupid, he'd have to be watered twice a week."

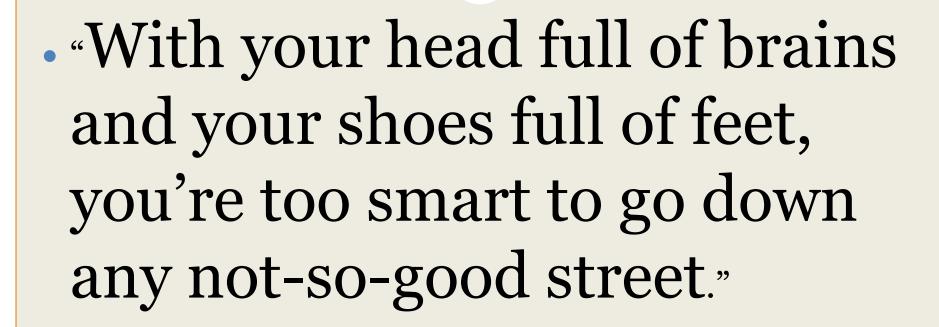
• "If you give him a penny for his thoughts, you'd get change."



• "Takes him two hours to watch 60 Minutes."

• "The wheel is turning, but the hamster is dead."

DR. SEUSS



THANK YOU AND ENJOY THE REST OF THE SHOW!!