

You're Fired!

Why Donald Trump Has It Easy Compared to You When It Comes to Terminating Employees

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For the third time in six weeks, your employee shows up late. He proceeds to do a sloppy job with his work, and when told that the reports he just completed are unacceptable, and he will have to do them again, he rolls his eyes and sarcastically quips, "I thought they outlawed slavery 100 years ago." A coworker hears his remark and just shakes her head, because this is hardly the first time his disrespect has shown through.

You are just itching to repeat the words made even more famous by Donald Trump: "You're fired!" But in a moment of clarity, you show restraint, return to your desk, flip open the employment file of your sarcastic, tardy, inadequate employee and decide what to do.

Indeed, you go to your checklist provided by your helpful association and see if your decision to terminate Mr. Sarcasm would pass muster. The checklist is as follows:

Does Management Know All the Facts Accurately?
Interview witnesses, and review relevant documents.

Is This Employee Receiving the Same Treatment Others Have Received for the Same Offense?
Consistent application of standards and policies, especially as it relates to discipline, is key.

Is the Rule Which Has Been Violated Reasonable?
Discipline ought to be related to efficient, fair and effective business considerations. Companies are expected to act reasonably.

Did the Employee Know the Rule or Should the Employee Have Reasonably Known the Rule?
Clear communications, through an employee handbook or other means, is a must.

Have Preliminary Procedures Been Followed?
Employers must use progressive disciplinary steps and follow standard procedures. Due process and fair warning helps not only the employee and the organization, but also ultimately allows juries to see that actions are reasonable when procedures have been followed.

Is the Supervisor Pressing the Discharge Levelheaded, Fair and Impartial, or Is There Some Possibility of a Personal Agenda?
With retaliation claims on the rise, management must evaluate supervisor impartiality in decision-making.

Does the Punishment Fit the Crime?
Disciplinary measures are meant to bring the employee back into conformity with the rules and standards. Termination is the last step and last resort and is only used when other lesser steps have failed or because of severity of the misconduct.

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- What Is the Employee's Disciplinary or Evaluation Record?**
Employees should never be surprised by a termination decision. The disciplinary record, evaluation or other communications should be consistent with a termination decision.
- What Is the Employee's Length of Service?**
Employee longevity breeds expectation that the employee might be given a second, or maybe even a third, chance. Dismissal of a long-term employee is a much harder sell than termination of an employee who has only been with an employer for a few weeks or a year.
- Does the Employee Have a Reasonable Excuse for the Infraction of the Rule?**
Employees ought to be given an opportunity to explain the particular problem that is leading to the discipline. An absence based on an auto accident and a hospital stay is treated quite differently than an unexplained absence with no valid excuse offered by the employee.
- Has a Good Written Record of the Past Problems and Current Circumstance Been Created?**
Written documentation is extremely important. Evidence of past employee discipline, counseling and warning that a particular behavior would result in termination is compelling evidence to third parties.

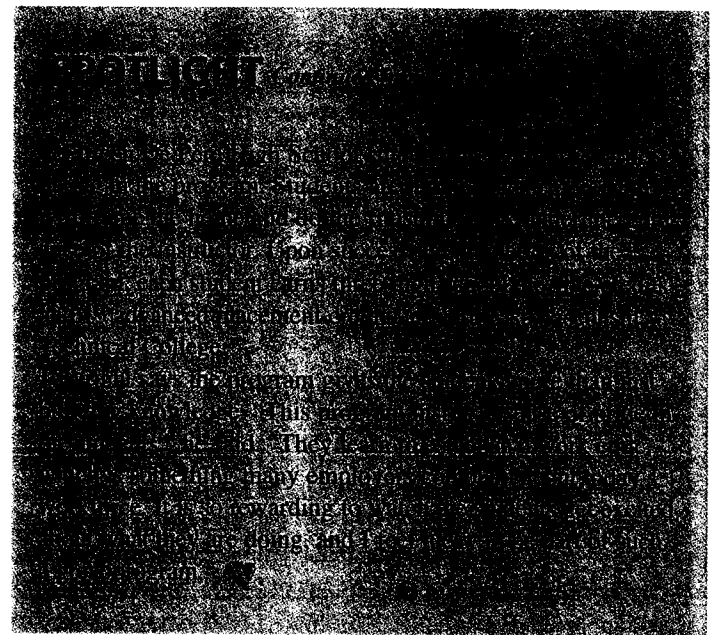
You have now completed your checklist, determined that it is time to go back and interview the tardy employee to get his or her side of the story and confront him or her with the past counseling and discipline that he has received for sloppy work, sarcastic responses and tardiness. After all explanations and excuses have been offered, make a decisive decision and communicate effectively with the employee. If more information is needed following the interview, consider suspending the employee during the remainder of the investigation, rather than terminating without a chance to review all the facts. It may also be worthwhile to explore offering a post-employment package with some compensation along with an employee's execution of a release agreement in order to have a clean separation.

After all of these steps have been taken, you will feel confident that the employee has earned the opportunity to find employment outside your organization. "You're fired!" ♡

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Prohl has always wanted his clients to have homes that have healthy interiors, good indoor air quality and are energy efficient. He said one benefit working within the Energy Star program is the availability of consultants who offer specialized, unbiased second opinions on home-performance issues. They help him to deliver a home that has been planned, built and tested to make it comfortable, safe and energy efficient.

"Building a home is part science, part art and part plain hard work," Prohl said. "But I love it, and I couldn't imagine having chosen any other career." ♡



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