

## Handling Problem Employees

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## How to Handle Problem Employees

Problem employees can be a drain on productivity and morale. Ignoring them only makes things worse. Join Patrick McGuiness to learn how to handle problem employees effectively. While you may not always be able to change their behavior, it is important to learn how to follow your employee handbook procedures and document problems as they occur. Finally, find out how to terminate employees in a legal manner while protecting your business interests.



By attending this seminar, you will learn to:

1. Address behavioral problems as soon as they arise and focus on improving the employees behavior.
2. Document problems and counsel employees in a manner which is firm but still allows for improvement and job retention.
3. Terminate employees in a legal manner when they are not able to meet the company standards.
  1. How to know if something is wrong: Have an employee handbook that addresses which behaviors are appropriate and which are not.
    - a. Not all behaviors can be anticipated, so have general language that talks about behavior which presents the company in a bad light or damages the reputation of the company.
    - b. You must be able to point to some part of the employee handbook when discussing problem employee behavior.
    - c. Handbooks should be reviewed with new employees and should have a sign-off area where the employee acknowledges their understanding and receipt.
    - d. Handbooks should also discuss the discipline policies of the company/organization.
    - e. Much of the following presentation can be incorporated into a company handbook as discipline policy steps.
    - f. Remember: Handbooks are useless if they just sit on the shelf and are not used on a regular basis.
  2. Steps to take when an incident happens: Whenever behavior takes place that you suspect is a problem, don't just pass it over and assume it won't continue:

- a.** Investigate: Depending on the severity of the issue, your investigation may be as simple as playing the event back through your mind (if you witnessed it) or interviewing those who witnessed it.
    - b.** More Investigation: If it was a serious event that caused injury to people or damage to property/equipment, then you should do a more in depth review of the cause of the event. Don't just assume it was someone's fault because they were near the problem.
    - c.** Once you have determined that the problem was caused by an individual's actions and decisions, figure out how the actions were a violation of company policy. If they were not a violation of policy, then you may want to amend your policies. It is not far to discipline someone for behavior they had no idea was wrong.
- 3.** Address the behavior: Be clear about what specific action (or failure to act) was a problem.
  - a.** Meet with the employee to discuss the behavior. This meeting doesn't meeting doesn't need to be anything formal, it can be on site
  - b.** The sooner you address the behavior, the better. It is easy to put things off and deal with them later. This is not only less effective in correcting behavior, but it is easier to later forget or downgrade the importance of doing it.
  - c.** Explain what the problem is and some steps that can be taken to correct it in the future.
  - d.** Provide examples of alternative behavior that is appropriate to the situation.
  - e.** Always remember that something that seems like common sense to you with your years of experience in the industry may not be common sense to newer employees or employees from other cultures or age generations.
- 4.** Document the discipline: You must write it down and document the problem and the discipline.
  - a.** Write out what happened (based on the conclusions from your investigation).
  - b.** List what policy it violated, and the employee was aware of the policy.
  - c.** Make sure the document explains that the employee was counseled about the problem and has agreed to refrain from future similar behavior.
  - d.** If necessary, list specific steps the employee will take in the future to make sure the issue does not take place again. It is beneficial to the process if the employee is involved with coming up with ideas for these steps It creates buy-in which is more likely to create behavioral change.
  - e.** Have the employee sign the document acknowledging that they understand the situation. If the employee refuses to sign it, explain to them that it will still be a part of their file and then note that the

'employee refused to sign but review the information with me during the meeting'.

- f. Put a copy of the document in the employees file.
  - g. In the future, if violations/problems that are similar occur, make sure to take the same steps and processes; investigation, addressing, documentation. Further, be sure to reference past problems in future documents.
  - h. For repeat offenses, stress that the problem has occurred before, the employee has been warned before, and has not changed their behavior.
  - i. Organize your paperwork: It is fine to take notes and handwrite things, but make sure the formal documentation is professional. Organize the files so that only the disciplinary memo goes into the employees file. Keep witness statements and other investigation materials in another file.
5. Deciding to Terminate: Multiple behavior issues or a significant issue may cause you to determine that the employee should be terminated.
- a. Be sure to follow any procedures listed in your handbook when making termination decisions.
  - b. Consider similarly situated employees when making a termination decision; if you terminate a person for violating a specific rule, you should try to be consistent with other employees.
6. The termination meeting
- a. What to say: Keep a level head and remain clam when holding the meeting. Even if you are angry at the employee for their behavior, it is always better to keep things professional.
  - b. Have your Human Resource director/employee sit in on the meeting to serve as a witness that everything was handled professionally. If the HR person is not available, have another senior level person sit in.
  - c. What to say: Explain to the employee that they have violated a company policy and that they are terminated for that violation.
  - d. Have a memo written explaining that the employee is being terminated for repeated or serious violations of company policy.
  - e. Don't get drawn into arguments about the violation, or other emotional issues. Remain calm and repeat yourself if necessary.
  - f. If the employee accuses you of something, simply reiterate that they are being terminated for a policy violation.
  - g. Try to have the termination take place in an office, or out of the way place so that you do not unnecessarily embarrass the employee.
  - h. If necessary, make arrangements for the employee to be escorted off the premises so that company property does not disappear with the employee when they leave.
  - i. Have the final paycheck ready for the employee. Try to remove any reason for the employee needing to return to the company in the future.

7. Other Termination considerations: Depending on the role of the terminated employee, there are a number of things to consider and keep in mind following termination.
  - a. Get company property back: If the employee had company property for any reason, make sure you get it back.
  - b. Get keys back: if the employee had keys to buildings, trucks, equipment, locks, etc. make sure you get all keys back. If you are unable to get the keys back, seriously consider changing the locks to prevent any future issues.
  - c. Change Passwords: If the employee had computer access to company passwords, make sure to change them immediately.
  - d. Confirm the employees address: Final wages, tax forms, and other documents may need to be
  - e. Union considerations: Collective Bargaining Agreements and other Union structures may change the manner in which terminations and discipline are handled. Consult an attorney before taking action in this situation.
  - f. Non-Compete/Non-Solicitation: If the employee signed a non-compete agreement, give or send them a copy of it along with a reminder that your company enforces such agreements to the fullest extent possible.
  - g. Sometimes it is not possible to give an employee all wages at the time of termination. Make sure to provide them with their wages as soon as possible after termination. State laws vary but usually place time limits on how long an employer has to pay wages.
  - h. Consider any effects the termination will have on your company's unemployment insurance claims.
  - i. Benefits Continuation: Determine how benefit continuations such as COBRA, are handled by your company and your state.
  - j. Determine how your company handles reference checks in general, and how you will handle possible reference checks on the terminated employee in the future.