Let's Talk About The Employee Life-cycle

What It Is

Laws You Need To Know

Best Practices

HR Training For Supervisors By ICRMP

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Welcome!

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What is the employee life-cycle?

HIRING

PERFORMANCE MANAGEMENT

TERMINATION

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Why do we need to manage it?

- Productivity
- Retention
- Avoiding Litigation

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Why do employees sue when terminated?

- They are just the type who are going to sue
- Wrongful Termination
- **They were surprised**
  - 0-60 First action is termination
  - Been doing it for years - long-term employee

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Why do we lose wrongful termination cases?

- Wrongful Termination
  - Discriminatory
  - Retaliatory
- Actions are inconsistent
- Failure to address behavior in a serious way
- Lack of documentation
- Lack of training

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Employment Laws

- Affordable Care Act (ACA)
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Fair Credit Reporting Act (FCRA)
- Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- National Labor Relations Act (NLRA)
- Pregnancy Discrimination Protection Act
- Retaliation and Whistleblower Laws
- Title VII (Race, National Origin, Religion, and Sex discrimination)
- Worker Adjustment and Retraining Notification Act (WARN Act)
- All Idaho Labor Statutes: Title 44
- Minimum wage requirements: Title 44, Chapter 15, Idaho Code
- Payment of wages: Title 45, Chapter 6, Idaho Code
- Garnishment Laws: Title 8

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Hiring – Job Descriptions

- Title/Reports to (FT/PT/Temp/Seasonal/Volunteer)
- Wage (salary or hourly) (stipend) & (exempt/non-exempt)
- Summary of the job
- Duties (essential)
- Qualifications
- Physical Requirements

Reviews **Disciplinary Action** **FMLA/ADA/WC**

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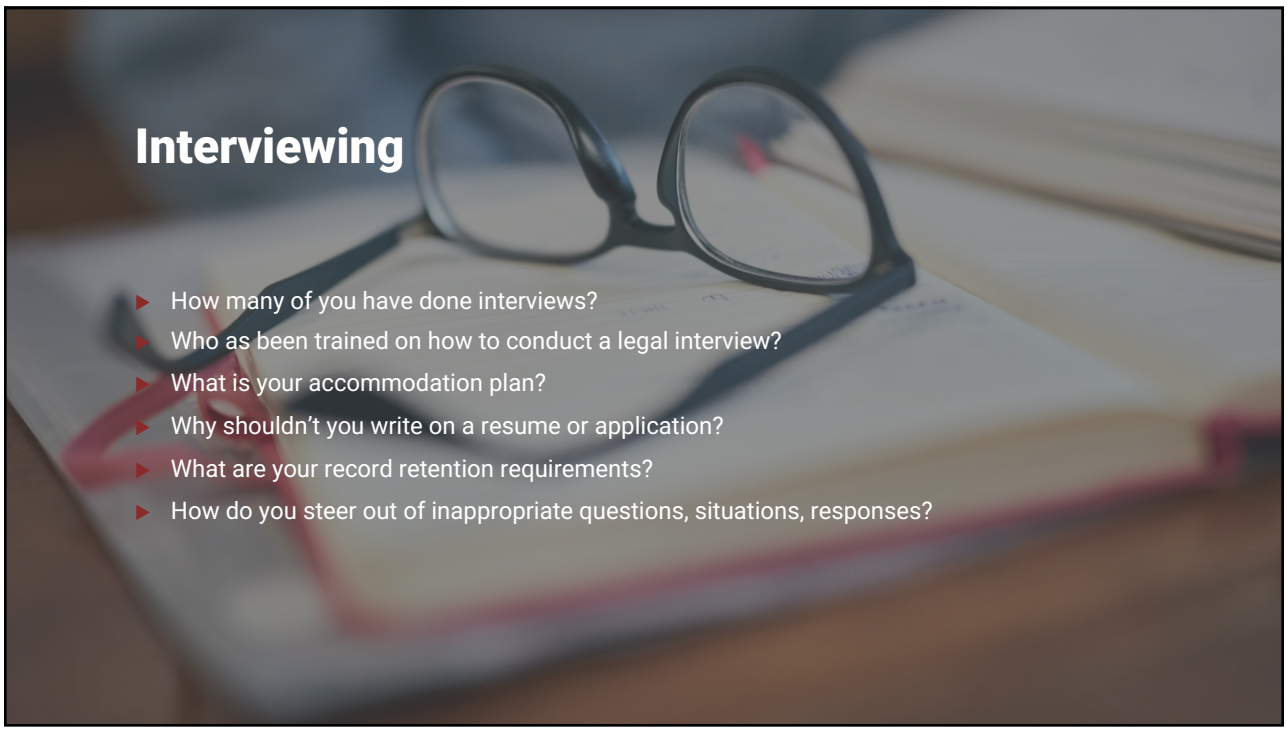

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Job Offers

- Start Date
- Job Title
- Conditional
- Probationary Period

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Performance Management

- Training
- Coaching
- Performance Reviews
- SMART (PIP or Goal Setting)
- Disciplinary Action

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Coaching 1:1

- How often do you meet with each employee?
- When should you address an issue?
- How do you inspect what you expect?
- How do you document 1:1s?

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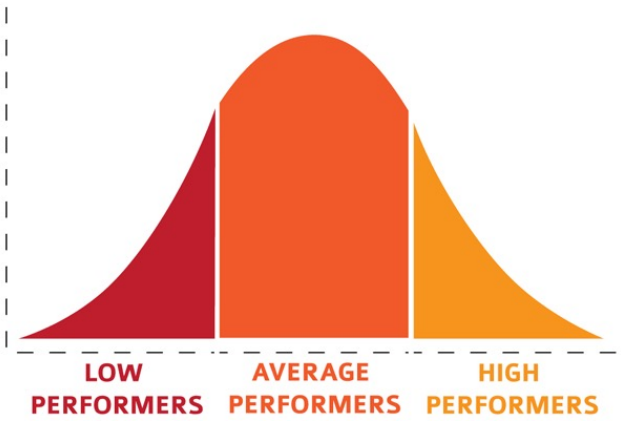
Employee Reviews

- Attached to the job description
- Standardized
- Standard Distribution
- Have you been trained?
  - Accuracy (honest feedback)
  - Avoid emotive & discriminatory language
- And Bias ....



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What types of bias impact reviews?

(hiring, disciplinary actions etc.)

- Recency
- Horns/Halo
- Central Tendency
- Leniency
- Similar to me
- Confirmation (Bad Apple)
- Gender

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Disciplinary Action

- What are the steps in your process?
- Who reviews your disciplinary action?
- Have you been trained on how to write disciplinary action?
- Have you been trained on how to have disciplinary conversations?

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Terminations

- Types
  - Self (resignation)
  - Job Abandonment
  - Market or budget (layoffs or furloughs)
  - Agency (fired for a reason)
  - Retirement

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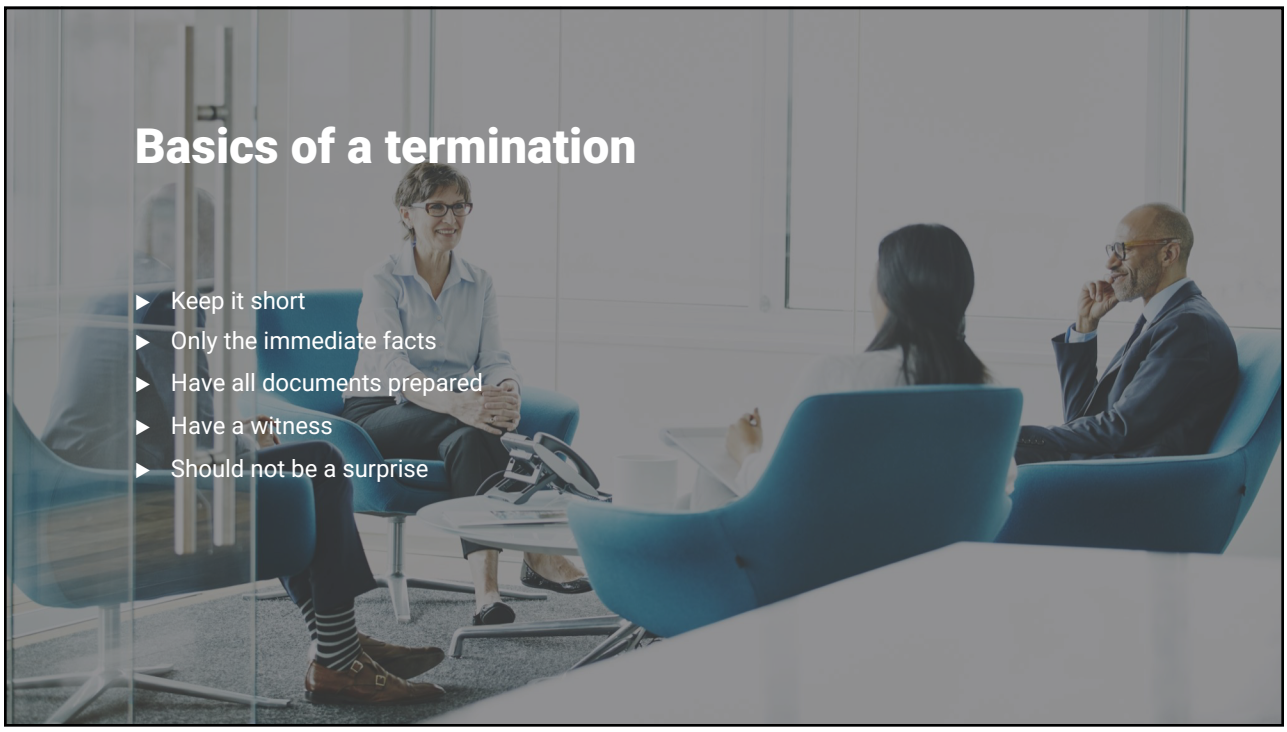

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Terminations – A case for litigation

- Did you follow your process?
- Was this retaliation or discrimination?
  - FMLA/ADA/WC/Whistleblower
- Was the employee surprised?
- Was the employee trained?
- Was the employee aware of the policy or process?
- Was the employee given an opportunity to improve?

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Summary

- Have processes
- Have policies
- Document
- Get trained
- Inspect what you expect
- Hold yourself and your direct reports accountable

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Thank you!

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