

Performance Management

- Training
- Coaching
- Performance Reviews
- SMART Goal
- Performance Improvement Plans (PIP)
- · Disciplinary Action



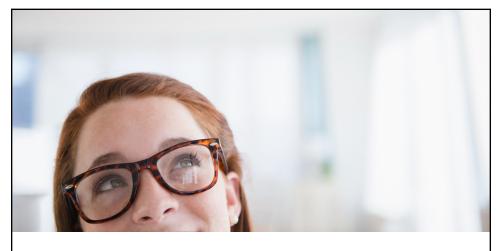
7

- · Hope it will go away
- Don't want to upset the employee
- · Scared of the reaction
- Confuse coaching with disciplinary action
- Don't know how to write it up
- · Tired of talking about it
- · We are friends



Why do we avoid taking disciplinary action?





What employees think when you don't address it

- I am doing great
- I know how to do my job
- · My supervisor is clueless
- It doesn't matter

9

Drivers of employee retention

- · Strong leadership
- Frequent feedback
- Recognition
- Opportunities for advancement
- Competitive compensation packages
- Work/life balance



Why Good Employees Quit

- Great Resignation
- Quiet Quitting
- Act your wage
- 74% of companies plan to implement hybrid work
- 22% of Americans will be working remotely by 2025
- 77% of young workers are willing to learn new skills or retrain to stay employable
- Only 23% of millennials say training programs are actually relevant

https://www.zippia.com/advice/great-resignation-statistics/

11

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, 45, 8



Documentation

- · Resume/Application
- Job offer
- · Job description
- · Coaching notes
- · Disciplinary action
- · Reviews/Evaluations
- Certifications
- Performance improvement
- Commitments/conversations



13

An employer should initiate the reasonable accommodation interactive process without being asked if the employer knows or has reason to know that the:

- · Employee has a disability
- Employee is experiencing workplace problems because of the disability
- Employee's disability prevents them from requesting a reasonable accommodation





In other words, employers must recognize the need for accommodation even in the absence of an employee request.

#ignoring it is not an option





Types of Supervisor Bias

(hiring, promoting, disciplinary actions, reviews, terminations, etc.)

Recency

Horns/Halo

Bell Ringer

Like me

Confirmation (Bad Apple)

Gender

17



Types Terminations

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



Why They Sue

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

19

Why We Lose Wrongful Termination Cases

- Wrongful Termination
 - Discriminatory
 - Retaliatory
- · Actions are inconsistent
- · Failure to follow policy/procedures
- Failure to address behavior in a serious way
- · Lack of documentation
- · Lack of training
- Employee has no knowledge of
- Employee had no opportunity to improve

1

