



NORTH RISK PARTNERS™

HR Bootcamp



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TOPICS INCLUDE:

Legal Issues in Hiring/Proper Interviewing
Job Descriptions
Employment at Will
Wrongful Termination
Sexual Harassment and Discrimination
Workers' Compensation
Family Medical Leave Act (FMLA)
Americans with Disabilities Act
Employee Motivation
Effective Delegation
Performance Management
Disciplinary Techniques
Proper Documentation



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Hiring – Rules Of Engagement



Hiring – Rules of Engagement

1. A person's status is generally not a legal basis for action – do not act based upon applicants' or employees' status or who they are, but rather based upon what they can do, what they cannot do, or what they should do, but fail to do.



Hiring – Rules of Engagement

2. The hiring process should be free of any indication that the hiring decision will be based in any way upon race, color, religion, gender, national origin, age, or disability.

Hiring – Rules of Engagement

3. Base hiring decisions only on job-related criteria.

Hiring – Rules of Engagement

4. Be consistent and judge applicants on qualifications, not assumptions or stereotypes.

Hiring – Rules of Engagement

5. The main thrust of all employment discrimination laws is to make it illegal for employers to treat employees or applicants adversely on the basis of something about themselves that they cannot change, or should not be expected to change. Such factors are called “immutable characteristics”. For example, one cannot change one’s race or color, gender, age, or national origin, cannot readily change one’s disability status, and should not be expected to change one’s religion, as a condition of getting or keeping a job.



Hiring – Rules of Engagement

6. Notwithstanding discrimination laws, employers may always hire the best-qualified candidate for the job.

Hiring – Rules of Engagement

7. The important thing is to be able to explain how the one who was hired really had the best qualifications and was the best “fit” for the position in terms of legitimate, job-related factors.

Hiring – Rules of Engagement

8. That, of course, requires a very close and careful look at the job applications and other information about applicants and a meticulous consideration of all factors that are relevant to the job, such as minimum qualifications, prior experience, availability, and work ethic.



Hiring – Rules of Engagement

9. A hiring standard that results in exclusion of an applicant on the basis of race, color, religion, age, gender, national origin, disability, or genetic information is suspect and presents a risk of an EEO claim or lawsuit.

Hiring – Rules of Engagement

10. In general, employers do not have to explain why they are not hiring a particular applicant.

Hiring – Rules of Engagement

11. It is usually best to restrict any explanations to short and factual, non-inflammatory statements such as, “You seem to have some good qualifications. However, the one we hired better fit the requirements we had at this time. Please check back with us about any openings we might have in the future. Thank you.”



Hiring – Rules of Engagement

12. Try to avoid ever using the term “overqualified” to explain why a person is not suitable for hire.



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Best Practices in Interviewing

How to Interview Legally and Effectively:
Avoid Illegal Interview Questions

Best Practices in Interviewing

We all know how litigious our society has become in the area of employment-related issues. Every recruiter, hiring manager, executive, and department manager must realize that asking illegal interview questions or making improper inquiries can lead to discrimination or wrongful-discharge lawsuits, and these suits can be won or lost based on statements made during the interview process.



Best Practices in Interviewing

Thus, it is important to incorporate risk management into your interviewing process to help minimize your firm's exposure to employment practices liability.

Best Practices in Interviewing

You, or your company, could be accused of asking illegal interview questions or making discriminatory statements or comments that reflect bias. It is also possible to make assurances or promises during an interview that can be interpreted as binding contracts. Recognizing these potential danger areas is the best way to avoid saying the wrong thing during an interview.



Best Practices in Interviewing

Most companies have at least two people responsible for interviewing and hiring applicants. It's critical to have procedures to ensure consistency. Develop interviewing forms containing objective criteria to serve as checklists. Develop lists of interview questions and illegal interview questions.

These ensure consistency between interviewers, as well as create documentation to support the hiring decision if a discrimination charge is later filed by an unsuccessful applicant.



Interview Problems to Avoid

To minimize the risk of discrimination lawsuits, it's important for interviewers to be familiar with topics that aren't permissible as interview questions. Avoid illegal interview questions. For example, you shouldn't ask a female applicant detailed questions about her husband, children and family plans.

Such questions can be used as proof of sex discrimination if a male applicant is selected for the position, or if the female is hired and later terminated. Older applicants shouldn't be asked about their ability to take instructions from younger supervisors.

Interview Problems to Avoid

It is also important to avoid making statements during the interview process that could be alleged to create a contract of employment. When describing the job avoid using terms like "permanent," "career job opportunity," or "long term."



Interview Problems to Avoid

Interviewers should also avoid making excessive assurances about job security. Avoid statements that employment will continue as long as the employee does a good job. For example, suppose that an applicant is told that, "if you do a good job, there's no reason why you can't work here for the rest of your career." The applicant accepts the job and six months later is laid off due to personnel cutbacks.



Interview Problems to Avoid

This could lead to a breach of contract claim where the employee asserts that he or she can't be terminated unless it's proven that he or she didn't do a "good job." Courts have, on occasion, held that such promises made during interviews created contracts of employment.



Interview Problems to Avoid

These practices will help you hire the most qualified candidate using legal, documented interview methods, including avoiding illegal interview questions.

Learn to assess job candidates on their merits. When developing evaluation criteria, break down broad, subjective impressions into more objective factors.

Interview Problems to Avoid

Obviously, you must prepare for the interview by reviewing the application, resume, cover letter, test results, and other materials submitted by the candidate. Try and put the candidate at ease and ask interview questions that can't be answered with a "yes" or "no" response.

These open-ended questions allow applicants to tell all about their skills, knowledge and abilities. Some examples are: "Why are you leaving your current employer?" "Do you prefer routine, consistent work or fast-paced tasks that change daily?" "And why?"



Interview Problems to Avoid

Interview questions and issues you want to avoid include the following:

- asking improper, even illegal interview questions,
- making discriminatory statements, and
- making binding contract statements.



Interview Problems to Avoid

The following are examples of interview questions that should be avoided in interviews because they may be alleged to show illegal bias. This is why they are illegal interview questions.

- Are you a U.S. citizen? (adversely impacts national origin)
- Do you have a visual, speech, or hearing disability?
- Are you planning to have a family? When?
- Have you ever filed a workers' compensation claim?
- How many days of work did you miss last year due to illness?



Interview Problems to Avoid

- What off-the-job activities do you participate in?
- Would you have a problem working with a female partner?
- Where did you grow up?
- Do you have children? How old are they?
- What year did you graduate from high school?
(reveals age)

As you can see, these rather simple and seemingly non-threatening questions can easily violate one of the aforementioned dangers when conducting interviews.



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Good Interview Questions



Good Interview Questions

The following is an extensive list of questions that will help you to identify the behavior and character of the candidate you are interviewing. These questions are divided into specific areas in order to help you target characteristics or behaviors that are most important to the job or company culture. Using your job description, identify questions within the specific categories that are most important to the position you are hiring for. Asking all of these questions would be too overwhelming and take too long. Highlight those that are the most important and use them as a guideline as you interview your candidate.



Good Interview Questions

Skill Set

- What are your most marketable skills?
- What have you learned or what skills have you gained that will benefit you most in this position?
- What skills do you need to develop further?



Good Interview Questions

Professional

- How do you build relationships with your peers in the workplace?
- If you found yourself involved in a negative conversation about a peer, your work, or your boss, how would you handle it?
- When you have to deliver upsetting news to someone, how do you handle it?



Good Interview Questions

Hardworking

- Tell me about the last time you did something important because it needed to be done, even though it wasn't necessarily your responsibility.
- What is your standard for success in a job?
- What has been your greatest accomplishment to date?



Good Interview Questions

Knowledgeable

- What attracted you to your previous employers?
- What did you learn in your most recent position that will benefit you in this position?
- Tell me about your most meaningful work experience.



Good Interview Questions

Maturity

- Tell me about the strongest criticism that you received from your most recent boss. How did you react to the feedback? What actions did you take after the discussion?
- How do you build relationships with your peers in the workplace?
- Tell me about a work situation where you had to work with others to achieve a common goal.



Good Interview Questions

Positive

- Describe the qualities or skills that you possess that will help you to be successful in this position.
- Who have you enjoyed working for the most in a past job? What qualities did they possess that you would hope to emulate in yourself?
- What is your ideal working environment?



Good Interview Questions

Flexible

- Tell me of a situation where you had to adapt to unexpected changes of events. What was your reaction, and how did you adjust?
- How would your fellow workers in your most recent job describe you?
- Tell me about a situation when you worked with others to achieve a common goal. What was most challenging?



Good Interview Questions

Goal – Oriented

- What are you looking for in this job? What are your expectations?
- What recent goals have you set for yourself, and how are you progressing to achieve those goals?
- What are your long-range goals and objectives?



Good Interview Questions

Dependable

- If you could choose the type of people that you would be working with, what qualities would they possess?
- What is your standard for success in a job?
- Describe a situation at work where people needed to rely heavily upon you.



Good Interview Questions

Organized

- How do you organize your work and schedule your own time?
- Tell me about a period of time that was hectic, and what you did to keep things under control.
- What specifically do you do to ensure that you give adequate attention to your various assigned responsibilities?



Good Interview Questions

Loyal

- Tell me about the job you held for the longest timeframe. Why?
- Describe a difficult work situation where you had to stick it out through thick and thin.



Good Interview Questions

Honest/Trustworthy/Ethical

- Tell me about the job you held for the shortest timeframe. Why?
- What skills do you need to develop further?
- Describe a valuable lesson you have learned that changed your outlook on life.
- Who was your least favorite person to work for and why?



Good Interview Questions

Team Player

- Do you like to work alone or in a group? Why?
- Tell me about a situation when you worked with others to achieve a common goal.
- How would you handle a situation where all team members are not contributing 100 percent?



Good Interview Questions

Motivated

- Describe a situation that best illustrates your drive to achieve outstanding results.
- What is the most challenging goal you have ever met?
- Tell me about the most long-term, sustained extra-hours effort you have ever put in.



Good Interview Questions

Problem Solver

- Describe a time where you were effective at detecting an emerging problem and taking action to resolve it before it became serious.
- Tell me about a recurring or persistent problem you have experienced within the last year that you feel you have now successfully corrected.
- Tell me about the most significant improvements, procedures, or new ideas that you have suggested or implemented.



Good Interview Questions

Leader

- Tell me about a challenging situation in which you had to coordinate and motivate several people to achieve a goal.
- Tell me about the time you exerted the most effort to coach or develop another individual.
- Have you ever been in a position of leadership? If so, how did you motivate the group?
- Tell me about the most recent significant task you delegated to someone and were disappointed with how it turned out.





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Illegal or Inappropriate Interview Questions

Ask Only Job-Related Questions

- It is illegal not to hire candidates because of their race, color, sex, religion, national origin, birthplace, age, disability, or marital/family status
- Do not ask questions that could elicit such information, and discourage candidates from volunteering personal details



Illegal/Inappropriate Questions

- Questions related to birthplace, ancestry, or national origin:
 - “How long has your family been in the U.S.?”
 - “That’s an unusual name – what does it mean?”
 - “How did you learn to speak Chinese?”
- Acceptable question:
 - “Are you eligible to work in the U.S.?”



Illegal/Inappropriate Questions

- Questions related to marital status, children, or pregnancy:
 - “Are you planning to have children?”
 - “What does your husband/wife do?”
 - “What are your child care arrangements?”
- Acceptable question:
 - “Would you be able to work a 9:00 a.m. to 6:00 p.m. schedule?”
 - If asked of all applicants, and a specific work schedule is a business necessity



Illegal/Inappropriate Questions

- Questions related to religion or religious days observed:
 - “What is your religious affiliation?”
 - “What religious holidays do you celebrate?”
 - “Do you attend church every week?”
- Acceptable question:
 - “Can you work on weekends?”
 - If asked of all applicants, and a specific work schedule is a business necessity



Illegal/Inappropriate Questions

- Questions related to age:
 - “How old are you?”
 - “What year were you born?”
 - “I went to high school in Oakland, too – what year did you graduate?”
- Acceptable question:
 - “Are you over the age of 18?”



Illegal/Inappropriate Questions

- Questions related to criminal records:
 - “Have you ever been arrested?”
 - “Have you ever spent a night in jail?”
 - “Have you ever been caught driving drunk?”
- Acceptable question:
 - “Have you ever been convicted of a crime?”



Illegal/Inappropriate Questions

- Other illegal questions:
 - “Was your military discharge honorable or dishonorable?”
 - “Have you ever brought a lawsuit against an employer?”
 - “Have you ever filed for Workers’ Compensation?”
 - “Have you ever been sexually harassed?”
 - “How much do you weigh?”
 - “Do you use drugs or alcohol?”





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Job Descriptions



Job Description

ABC COMPANY JOB DESCRIPTION

Title: Front Desk Coordinator

Employment Status: Part-Time

Department: Customer Service

FLSA Status: Non-Exempt

SUMMARY

The Front Desk Coordinator position screens/directs incoming phone calls to appropriate staff, greets and answers questions from members, visitors and staff, and completes daily and as-needed administrative tasks and assists in the shop as needed.



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Job Description

PRIMARY RESPONSIBILITIES

1. Screen and direct incoming phone calls to the appropriate staff and departments.
 - a. Answer telephone and direct the caller to the appropriate individual. Transfer a caller to voice mail as appropriate.
 - b. Provide callers with information such as company address, directions to the company location, company fax numbers, company website, and other related information.
 - c. Take and retrieve messages for various personnel as directed.
2. Greet everyone that enters the facility including members, visitors, vendors, and staff.
 - a. Ensure members sign in and out and are directed to the correct destination.
 - b. Provide schedule of classes, membership details, equipment information, etc. to visitors and members.
 - c. Conduct tours of the shop and classroom as needed.

Job Description

PRIMARY RESPONSIBILITIES

3. Greet everyone that enters the facility including members, visitors, vendors, and staff.
 - a. Ensure members sign in and out and are directed to the correct destination.
 - b. Provide schedule of classes, membership details, equipment information, etc. to visitors and members.
 - c. Conduct tours of the shop and classroom as needed.
4. Assist with re-stocking tools and equipment as needed to maintain adequate inventory levels.
5. Create, update and maintain a variety of reports and documents.
 - a. Complete, file and maintain daily and monthly paperwork including member attendance, project completion goals, etc.

Job Description

SECONDARY RESPONSIBILITIES

Perform miscellaneous projects and completes various tasks as requested by management.

JOB SPECIFICATIONS

Education, Experience and Credentials

- High School or equivalent required.
- One or more years of administrative or customer service experience preferred.
- Woodworking knowledge helpful.

Job Description

Knowledge, Skills and Abilities

- Able to display high levels of customer service, responding promptly and thoroughly to the inquiries and needs of individuals.
- General knowledge of materials, methods, and the tools involved in woodworking.
- Able to understand and follow facility safety and emergency procedures.
- Able to work independently with minimal supervision.
- Able to adapt to diverse situations rapidly and creatively resolve issues as they arise.
- Able to be flexible and productive in an environment with regular interruptions.
- Detail-oriented, organized and applies effective time management skills in order to meet all deadlines.
- Excellent interpersonal skills to interact effectively with a variety of people and personalities inside and outside the organization.
- Self-motivated, fast learner shows initiative, willing to seek out needs and meet them.
- Diplomacy and tact to handle and resolve difficult issues.
- Able to maintain privacy and confidentiality.

Job Description

PHYSICAL REQUIREMENTS NECESSARY TO PERFORM THIS JOB

Incumbent must be able to:

- This position includes medium work, lifting up to 25 pounds, with frequent lifting/carrying of objects weighing up to 50 pounds.
- Hear, speak, and effectively verbally communicate in the English language, including following oral and written instructions, in order to communicate with people inside and outside the organization.
- Sit for extended periods of time and perform work sitting at the front desk.
- Apply manual dexterity, visual acuity and ability, for working with equipment/tools, office equipment use, review detailed reports, information, fine print and warning labels.
- Physical ability to move around organization/building area repeatedly throughout the day.
- Able to work a flexible work schedule, nights and weekends on occasion including attending events/meetings as needed.



Job Description

TOOLS AND EQUIPMENT USED

Incumbent must be able to use telephone, calculator, copy machines, fax machines, scanner, computers, printers and other office equipment.

WORK ENVIRONMENT

The work environment is primarily indoors. There at times may be noise distractions or temperature variations.



Job Description

This job description does not necessarily list all the functions or accountabilities of the job. Employees may be asked by management to perform additional duties and tasks. Management reserves the right to revise and update job descriptions at any time.

Employee Signature

Date

Supervisor Signature

Date



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At Will Employment and Wrongful Termination Laws in Minnesota

At Will Employment and Wrongful Termination Laws in Minnesota

Minnesota is not a right-to-work state; however, it is an at-will employment state. This means employers may terminate workers for almost any reason, or no reason at all. However, there is a select group of reasons making it illegal to terminate an employee in the Land of 10,000 Lakes.



Protected Categories

Wrongful termination laws in Minnesota make it illegal to fire people in a number of protected categories because of membership in those categories.

Protected Categories

The state civil rights act prevents discrimination in hiring and firing based on gender, color, race, national origin and religion.

Protected Categories

Municipal ordinances in Minneapolis and Saint Paul include ancestry and sexual orientation in the list of protected categories. Anti-age-discrimination laws apply to all Minnesotans between the ages of 18 and 70.



Reprisals

Minnesota law prohibits employers from firing employees as a form of reprisal. This means you cannot punish an employee with termination for lodging a civil rights complaint.

Reprisals

Another state law prohibits employers from firing workers for being whistle blowers. This term refers to employees who report or otherwise aid in investigations of employer misconduct. However, such reports to government agencies must be in good faith. Workers can find themselves terminated for knowingly making false reports against an employer.



Exercise of Rights

Employees cannot face termination in Massachusetts for exercising their rights under the law. Such rights include:

- Filing workers' compensation claims
- Taking advantage of family leave
- Engaging in legally-protected labor organizing activities
- Asserting rights to employee benefits to which the worker is entitled, and
- Requesting a review of an employee's own personnel file



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Discrimination And Harassment Prevention Training For Managers, Supervisors And Employees

Training for managers and supervisors
on appropriate workplace conduct

Our Commitment

Reasons for a nondiscriminatory workplace:

- Antidiscrimination laws
- Productivity issues
- Liability for supervisor's actions

Quick Quiz

We're committed to the idea that all employees must be treated with dignity and _____.

True or False: In some states, employees are entitled to be free from discrimination and harassment because of their sexual preference, marital status, or other personal characteristic.

True or False: Federal law bans discrimination because of genetic information about an employee's family member.

Bias-free Workplace

Discriminatory conduct:

- undermines the employment relationship,
- interferes with an employee's ability to perform his or her job, or
- creates an intimidating, hostile, or offensive work environment.



Quick Quiz

True or False: Our policy is strictly limited to harassment and discrimination.

Our Policy

Key policy provisions:

- Treat others with respect

Our Policy

Key policy provisions:

- Treat others with respect
- Violators will be disciplined



Our Policy

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- Report improper conduct

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- Reports kept confidential

Our Policy

Key policy provisions:

- Treat others with respect
- Violators will be disciplined
- Report improper conduct
- Reports kept confidential
- Do not fear retaliation



Preventing Retaliation

Avoid unequal treatment.

Establish an independent basis for discipline.

Don't try to limit participation rights.

Our Policy

Key policy provisions:

- Treat others with respect
- Violators will be disciplined
- Report improper conduct
- Reports kept confidential
- Do not fear retaliation
- Supervisor's role




Quick Quiz

What are some of our policies regarding discrimination and harassment in the workplace?

- A. Treat others with respect
- B. Violators will be disciplined
- C. Report improper conduct
- D. Retaliate against other employees



Quick Quiz

What are some of our policies regarding discrimination and harassment in the workplace?

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Discrimination vs. Harassment

Legally distinct

Discrimination includes harassment

Focus on appropriateness

Hostile environment



Quick Quiz

_____ conduct includes harassment, which consists of conduct that degrades or shows hostility to another because of his or her race, religion, gender, national origin, age, disability, veteran status, genetic information or any category protected by law.



Quick Quiz

What are some consequences of discriminatory conduct in the workplace?

√ Undermines the employment relationship

Builds teams

√ Interferes with employee's work

√ Creates a hostile work environment



Types of Conduct

- Verbal abuse
- Physical conduct
- Sabotage
- Graffiti
- Refusal to cooperate
- Intimidation
- Isolated instances



Examples of Inappropriate Conduct

- Telling racial jokes
- Pushing or grabbing another
- Destroying someone else's work
- Drawing pictures that are offensive
- Unwillingness to work as a team
- Making jokes about physical or mental impairments



Supervisor Conduct

- Assignments
- Surveillance
- Training
- Discipline
- Forcing an employee to quit
- Compensation decisions

Compensation Decision Tips

- Review and document expectations.
- Provide ongoing feedback.
- Record problems and improvement plans.
- Conduct regular performance reviews.
- Use objective criteria.
- Be consistent.
- Record job-related reasons for decisions.
- Retain compensation records in personnel files.
- Retain compensation documentation indefinitely.



Genetic Information

- Discrimination
- Acquisition of information
- Confidential medical records
- Disclosure
- Retaliation



Conduct Based on Protected Traits

- Gender-based conduct
- Racial and ethnic conduct
- Religious conduct
- Age-based conduct
- Disability-based conduct
- Veteran-based conduct, and
- Genetic information-based conduct



Quick Quiz

Hostile or demeaning conduct based on _____ is inappropriate.

What are some examples of inappropriate conduct?

True or False: Your organization can be sued for discrimination years after a merit increase was awarded based on a protected category.

Scenario 1

•*[Scene: Kim and Rose are hanging out at the water cooler as Alecia briskly walks by with a stack of papers.]*

Kim: There goes that new girl, Alecia. What do you think of her, Rose?

Rose: Black girls never do more than they have to. You'd think the company would know that by now.

Kim: I know. Now we'll just have to do even more work.

[Rose turns her head and notices that Alecia has stopped at a nearby desk.]

Have Kim and Rose engaged in inappropriate conduct?

Scenario 2

[Scene: Megan and Susan are sitting at a lunch counter talking.]

Megan: I finally unpacked the last of my moving boxes. I feel like I've earned this lunch out. It's so hard to move into a new city.

Susan: I know what you mean. Do you have any family in the area?

Megan: No, I don't know anyone yet, except the people we work with. I'm going to have to get out and make new friends.

Susan: You're welcome to join my husband and me at church on Sunday. There's always a social hour after services. We could introduce you to a lot of nice people.

Was Susan's invitation inappropriate?

Scenario 3

[Scene: Sam and Joe are talking in a break room near the door to the plant floor. As Dale approaches, Sam blocks his way.]

Sam: There's that guy from California. I sure don't want to work with anyone from California; they're all weird.

Joe: I know what you mean, I wouldn't mind if an earthquake sunk the state and drown everyone in it.

Sam: Hey, California kook. Why don't you go back where you came from? Your kind isn't wanted around here. We'll make you sorry you ever left that weirdo state.

Could Sam be subject to discipline?

Scenario 4

[Scene: Felix is standing by a large pile of heavy boxes, struggling to load them onto a conveyor belt. Felix's supervisor, Ted, is nearby talking with another supervisor, Max.]

Ted: Just a few more days of special grunt duty and I guarantee you that Felix is a goner. I mean, the guy's been diagnosed with cancer. I don't want to have to put up with him running to the doctor every time I turn around. He's going to die anyway, so I might as well get somebody else in here as soon as I can.

Max: Good. We don't have time to worry about Felix.

Could Felix be the victim of disability discrimination?

FAQs

1. Can non-minority employees experience racial or ethnic harassment?
2. Whose viewpoint is considered in determining whether the work environment is hostile?
3. Is it okay to call an older worker “Gramps?”
4. Are discrimination and harassment prohibited only in the workplace?
5. Can impersonating another employee’s speech or mannerisms create a hostile environment?



Quick Quiz

Susan has written in the self-assessment section of her performance review that she was unable to volunteer for overtime work because she was needed at home to care for her mother during treatment for breast cancer. What should Susan's supervisor do with the completed review?

- A. Place it in Susan's personnel file
- B. Place it in a separate confidential medical file
- C. Remove the information about Susan's mother's breast cancer before placing the review in Susan's personnel file
- D. Tell Susan to rewrite her self-assessment and leave out the information about her mother



Quick Quiz

Harassment is based on the _____'s point of view.

True or False: Employment-related discrimination does not count if the conduct occurs at your employer-sponsored holiday party.

Ask Yourself. . .

- Would you want the same thing said or done in front of your spouse, sibling, child or parent?
- Would you normally say or do the same thing to a member of your own Sex? Age? Race? Religion? Heritage?
- Does it need to be said or done at all?
- Does it serve any useful business purpose?
- Would you want to be seen on the six o' clock news saying or doing it?



Four Issues You May Encounter

No badgering allowed.

Four Issues You May Encounter

No badgering allowed.

Avoid inappropriate humor.

Four Issues You May Encounter

No badgering allowed.

Avoid inappropriate humor.

Never bring offensive material to work.

Four Issues You May Encounter

No badgering allowed.

Avoid inappropriate humor.

Never bring offensive material to work.

Interact appropriately with a person with a disability.



Quick Quiz

Michelle notices Stacy has been feeling down. And, although Stacy has once strongly refused Michelle's offer to pray, Michelle still repeats the offer a second and third time. What should Stacy do?

- (A) Nothing
- (B) Refuse strongly, again
- (C) Publicly berate Michelle
- (D) Tell her manager

Quick Quiz

Nancy notices that Jim, who uses a wheelchair, is having trouble reaching an item on the shelf that is barely out of his reach.

What should Nancy do?

- (A) Just grab the item and hand it to Jim.
- (B) Do nothing and walk away.
- (C) Ask Jim if he needs any help.
- (D) Advise Jim that he could potentially transfer to a department with lower shelves.

Supervisor Guidelines

DON'T make employment decisions based on factors that are not job-related.

DON'T engage in inappropriate conduct.

DON'T look the other way when you see someone behaving inappropriately.

DON'T discount your suspicions that inappropriate conduct is occurring.

DON'T ignore a report of inappropriate conduct because you think the person doing the reporting is being oversensitive.

DON'T delay efforts to eliminate inappropriate conduct; act immediately.

DON'T allow retaliation to occur.

DON'T let the person who reported the situation walk away frustrated.

DON'T make unnecessary medical inquiries about employees or their family members.



Quick Quiz

As a manager or supervisor, what are some actions you should take towards creating a bias-free workplace? Please name all of the appropriate items.

- (A) Engage in inappropriate conduct
- (B) Allow retaliation to occur
- (C) Encourage reports of inappropriate conduct
- (D) Eliminate inappropriate conduct in a timely manner
- (E) Act on your suspicions

Quick Quiz

As a manager or supervisor, what are some actions you should take towards creating a bias-free workplace?
Please name all of the appropriate items.

(A) Engage in inappropriate conduct 🙅🏻




Quick Quiz

As a manager or supervisor, what are some actions you should take towards creating a bias-free workplace?
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- (A) Engage in inappropriate conduct 🙅
- (B) Allow retaliation to occur 🙅





Quick Quiz

As a manager or supervisor, what are some actions you should take towards creating a bias-free workplace?
Please name all of the appropriate items.

- (A) Engage in inappropriate conduct 
- (B) Allow retaliation to occur 
- (C) Encourage reports of inappropriate conduct 






Quick Quiz

As a manager or supervisor, what are some actions you should take towards creating a bias-free workplace? Please name all of the appropriate items.

- (A) Engage in inappropriate conduct 
- (B) Allow retaliation to occur 
- (C) Encourage reports of inappropriate conduct 
- (D) Eliminate inappropriate conduct in a timely manner 

Quick Quiz

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- (A) Engage in inappropriate conduct 
- (B) Allow retaliation to occur 
- (C) Encourage reports of inappropriate conduct 
- (D) Eliminate inappropriate conduct in a timely manner 
- (E) Act on your suspicions 

What You Should Do

Guidelines for responding to inappropriate conduct:

- Communicate your feelings

What You Should Do

Guidelines for responding to inappropriate conduct:

- Communicate your feelings
- Report inappropriate conduct



What You Should Do

Guidelines for responding to inappropriate conduct:

- Communicate your feelings
- Report inappropriate conduct
- Do not fear retaliation by management



What You Should Do

Guidelines for responding to inappropriate conduct:

- Communicate your feelings
- Report inappropriate conduct
- Do not fear retaliation by management
- Do not fear coworkers



Quick Quiz

True or False: It is not necessary to report harassing, discriminatory or offensive workplace conduct because nothing will be done.

True or False: Retaliation against a reporting employee by anyone in the organization, whether supervisor or coworker, is prohibited.



What We Will Do

- Conduct a confidential investigation
- Take prompt corrective action
- Provide notice of the resolution

Quick Quiz

We will respond to a report of inappropriate conduct by immediately beginning _____.

1. an internal investigation
2. a discharge proceeding
3. a lawsuit defense

Scenario 5

[Scene: Jill and Kathy are in an office talking.]

Jill: You know how Hope will never tell anyone her age? Well, guess what. She left an insurance claim form in the copy machine and it had her birthday on it. She's going to be 50 next week. We can get her good—let's decorate her desk with "Over the Hill" banners and black balloons. I even know where to get a cake that's shaped like a tombstone.

Kathy: I don't think that's such a good idea. She won't tell anyone her age because some of the guys tease her about being too old to learn new things. She's pretty sensitive about it.

Jill: Oh, don't be silly. Everyone likes to celebrate a birthday, and this one's a milestone.

What should Kathy do?

Scenario 6

[Scene: A loading dock. Miguel is unloading boxes to Kyle down below. Kyle and Adam are laughing and talking.]

Kyle: No, I'm serious. I saw on a TV show where they talked about his religion.

Adam: Did they show the chickens?

Kyle: Are you kidding? They showed the chickens and everything! What weirdos!

Adam: [to Miguel as Miguel pulls a particularly large box off the pile] Hey, you chicken-worshipping weirdo, hand me that box.

How should Miguel respond to Adam?

Scenario 7

[Scene: Margaret is leaning against her desk looking very frustrated. Irene approaches and notices that Margaret is upset.]

Irene: Hi, Margaret, what's the matter?

Margaret: Oh, you know . . . our hotshot new manager Anthony is busting on my work again and saying that I'm too old to keep up with the new technology.

Irene: But he hasn't trained you on it yet, has he?

Margaret: Of course not. He just wants to run me out of here so that he can hire somebody younger. He told me yesterday that somebody my age should be thinking about retirement.

Irene: So why don't you tell his boss that he's not being fair with you?

Margaret: Everybody knows that Ian and Anthony are best friends. What good would that do me? Anthony would find out and just give me even more grief. Promise me that you won't say anything.

What should Margaret do?

What should Irene do?

Be a LEADER

Listen

Be a LEADER

Listen

Encourage

Be a LEADER

Listen

Encourage

Ask questions

Be a LEADER

Listen

Encourage

Ask questions

Document



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Be a LEADER

Listen

Encourage

Ask questions

Document

Explain



NORTH RISK PARTNERS™

Be a LEADER

Listen

Encourage

Ask questions

Document

Explain


Report



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Quick Quiz

What are some examples of how you should respond to a report of inappropriate conduct ?

- A. Make a written record 
- B. Be encouraging
- C. Handle the situation alone
- D. Explain the policy
- E. Listen carefully




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- D. Explain the policy 
- E. Listen carefully 

Scenario 8

[Scene: Maria enters the office of her supervisor, Tiffany.]

Tiffany: Maria, come in. What can I do for you? Have you been enjoying your new project?

Maria: Yes, for the most part. But it's about Brent. I'd really rather not work with him on the next project. He has a habit of trying to make me feel inferior.

Tiffany: Well, Maria, you know that sometimes we need to work with people we don't like. Brent is very experienced and an excellent engineer. If you want to be successful, you need to learn to work on a team.

Maria: I am a team player, but Brent doesn't seem to want me on his team.

Tiffany: Well, try making a little more effort to get along. If it doesn't get better, I'll see what I can do.

Did Tiffany handle Maria's concerns appropriately?



Scenario 9

[Scene: Mary is talking to her supervisor Tom, who is at his desk reading the newspaper.]

Mary: I need to talk to you. I'm really upset at the way the waiters are treating Billy.

Tom: You mean the bus boy with Downs Syndrome?

Mary: Yes. The waiters are calling him Mongrel and making fun of him. They have a contest going to see who can leave him the dirtiest table.

Tom: I want to thank you for sharing your concerns. I know that sometimes it is difficult to be the one to speak up. You should know that I'll respect the confidentiality of our conversation as much as possible, but that it can't be a secret between us. If an investigation is necessary, others might need to know what we talked about. Either way, there will be no negative employment actions against you for having the courage to speak up. How is Billy taking it?

Mary: Oh, you know Billy. He's so good-natured. He takes everything in stride and he thinks that the waiters are his friends.

Tom: Well, if Billy's not upset about it, you shouldn't be either. Don't worry about it. Thanks again for letting me know how you feel, but you should go back to work now.

[As Mary leaves, Tom goes back to reading the newspaper.]

What was Tom's mistake?



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Workers' Compensation – What You Need to Know

Introduction

A No-fault System

- Negligence by employer not necessary to establish liability
- Negligence by employee is not a defense

Introduction

Provides Benefits for Work-Related Injuries or Illnesses

- Traumatic injuries
- Gradual onset injuries
- Occupational diseases



Introduction

Covers Conditions Caused or Aggravated by Employment Activities

- Employment activities need to be a substantial contributing factor



What To Do When An Injury Occurs or Is Reported

- Provide prompt medical care, if needed
- Investigate the facts and take action to prevent future incidents

What To Do When An Injury Occurs or Is Reported

- Fill out the First Report of Injury (FROI); give a copy to the employee
- Give the employee a copy of the “Information Sheet”

What To Do When An Injury Occurs or Is Reported

- File the FROI with the insurer within 10 days from the first day of lost time or date you were notified of the injury/lost time, whichever is latest
- Do not wait for medical reports before filing the claim



What To Do When An Injury Occurs or Is Reported

- Stay in contact with the injured worker
- Monitor the insurer's actions; communicate with the adjuster
- Implement return-to-work strategies

Employer Do's and Don'ts

DO:

- Prepare ahead of time just in case an injury is reported
 - Know the name, phone number and address of your insurer
 - Communicate injury reporting procedures to all employees
- File First Reports of Injury properly
- Stay in touch with employee after injury occurs
- Plan ahead for return-to-work strategies
- Treat employees as you would like to be treated



Employer Do's and Don'ts

DON'T:

- Ignore employee disciplinary problems
- Refuse to file a claim even if you doubt the validity
- Ask the employee to fill out the First Report of Injury
- Wait for the medical report before filing the claim with the insurer
- Pay medical bills on your own
- Ignore requests for information from the insurer or state
- Forget to put safety first



How to Avoid Workers' Compensation Retaliation Claims

Retaliation claims have become increasingly prevalent in recent years, reasonably causing employers to think twice before taking an adverse employment action. In particular, prudent employers often consider all relevant facts and appearances before terminating the employment of a worker who has filed a claim for workers' compensation benefits.



How to Avoid Workers' Compensation Retaliation Claims

Minnesota law prohibits an employer from “discharging or threatening to discharge an employee for seeking workers’ compensation benefits or in any manner intentionally obstructing an employee seeking workers’ compensation benefits.” Minn. Stat. § 176.82.

How to Avoid Workers' Compensation Retaliation Claims

This anti-retaliation provision provided the basis for an employee's recent civil claim against his employer when he was discharged shortly after experiencing a workplace injury. *See Anderson v. North American Gear & Forge.*

How to Avoid Workers' Compensation Retaliation Claims

Anderson unfortunately had a small piece of hot metal get behind his safety glasses and slightly burn the skin near his eye. He informed his supervisor who in turn helped Anderson initiate a workers' compensation claim. Seeing the injury as minor, the supervisor allegedly resisted Anderson leaving work to see a doctor. Nonetheless, the supervisor let him go. The doctor cleared Anderson to return to work without restrictions with only a "tiny burn" next to his eye with no eye damage.



How to Avoid Workers' Compensation Retaliation Claims

Anderson stayed home the next day and saw another doctor who also returned him to work immediately without restrictions. The following day Anderson returned to work, but wanted to leave early to again see the original doctor. His supervisor again allegedly resisted, but permitted him to leave. The doctor again found no workplace restrictions. Anderson did not return to work until the following week.



How to Avoid Workers' Compensation Retaliation Claims

When Anderson returned, his supervisor terminated his employment for excessive absenteeism. Anderson was already on a final warning regarding his attendance. Anderson then sued claiming violation of Minn. Stat. § 176.82.

How to Avoid Workers' Compensation Retaliation Claims

The Minnesota Court of Appeals affirmed dismissal of Anderson's retaliation claim. In doing so, the court noted that despite having an allegedly hostile attitude toward Anderson's injury, the supervisor nonetheless assisted Anderson in filing a workers' compensation claim and permitted Anderson to leave work for doctor's visits. The court also noted that in processing Anderson's claim, the company followed its standard policy.



How to Avoid Workers' Compensation Retaliation Claims

Having done so, the employer was able to show that Anderson's discharge was the result of his unexcused absences following his medical release to return to work without restrictions, in combination with the other absences which had already led to his final warning.

How to Avoid Workers' Compensation Retaliation Claims

Takeaway: Employers should evaluate all relevant circumstances in assessing the risk of a retaliation claim when discharging an employee. In particular, an employer can minimize the risk of a workers' compensation retaliation claim by following its standard policy, promptly assisting the injured employee in filing for benefits, and reasonably permitting the employee an opportunity to seek medical treatment and evaluation.





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State Parental Leave Act and Federal Family And Medical Leave Act (FMLA)

Family Medical Leave Act (FMLA)

There is both a Minnesota Parental Leave Act and a federal Family and Medical Leave Act (FMLA). The federal FMLA became effective in August 1993. This act does not pre-empt or preclude state or local laws that provide greater leave rights, nor does it interfere with state or federal laws prohibiting discrimination.

Family Medical Leave Act (FMLA)

Which employers are included?

- | | |
|---------|---|
| Federal | All state, local and federal public-sector employers and private-sector employers with 50 or more employees |
| State | Employers with 21 or more workers at any one site |

Family Medical Leave Act (FMLA)

Which employees are included?

- Federal** Employees who have been employed with a qualifying employer for the past 12 consecutive months and have worked a minimum of 1,250 hours during the previous 12 months
- State** Employees who have been employed with a qualifying employer for at least 12 consecutive months, and for an average of one-half of the full-time equivalent position in the employee's job classification during those 12 months



Family Medical Leave Act (FMLA)

What do the acts provide?

Federal	Twelve weeks unpaid leave in a 12-month period as selected by the employer in an FMLA policy
State	Six weeks unpaid leave

Family Medical Leave Act (FMLA)

What do the acts provide?

Federal	Continued coverage for health care premiums with payment on the same basis as prior to leave
State	Continued health insurance coverage but employee can be required to pay the full cost of coverage

Family Medical Leave Act (FMLA)

What do the acts provide?

Federal Guaranteed return to previous job or
equivalent position

State Same guarantee

Family Medical Leave Act (FMLA)

What situations give rise to a request for leave?

Federal	The birth, adoption, or foster care placement of a child
State	Includes birth and adoption, but not foster care placement

Family Medical Leave Act (FMLA)

What situations give rise to a request for leave?

- Federal** The employee's serious health condition or that of a child, spouse, parent, or next of kin (with special provisions for relatives injured or deployed in military service, including military caregiver leave and qualifying exigency leave)
- State** Minnesota does not have any medical leave (paid or unpaid) available other than the use of the employee's sick leave for themselves or their sick child. However, an employer is not mandated to offer sick leave to its employees.





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Americans with Disabilities Act

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. The ADA was signed into law on July 26, 1990. The Act was intended to help break down barriers to employment, transportation, public accommodations, public services, and telecommunications for individuals with disabilities.



Americans with Disabilities Act

The Act defines a person as “disabled” if they meet one of the following criteria:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such impairment; or
3. He or she is regarded as having such impairment.



Americans with Disabilities Act

As early as 1973, when Minnesota's State Act Against Discrimination was renamed the Minnesota Human Rights Act (MHRA), disability discrimination was prohibited in Minnesota and employers were required to provide reasonable accommodations for qualified disabled individuals.

Americans with Disabilities Act

The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.



Americans with Disabilities Act

Employment discrimination is prohibited against “qualified individuals with disabilities.” Persons discriminated against because they have a known association or relationship with a disabled individual also are protected. The ADA defines an “individual with a disability” as a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment.



Americans with Disabilities Act

The first part of the definition makes clear that the ADA applied to persons who have substantial, as distinct from minor, impairments, and that these must be impairments that limit major life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working.

Americans with Disabilities Act

An individual with epilepsy, paralysis, a substantial hearing or visual impairment, mental retardation, or a learning disability would be covered, but an individual with a minor, non-chronic condition of short duration, such as a sprain, infection, or broken limb, generally would not be covered.



Americans with Disabilities Act

A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the “essential functions” of the position with or without reasonable accommodation.



Americans with Disabilities Act

Requiring the ability to perform “essential” functions assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions except for limitations caused by a disability. The employer must consider whether the individual could perform these functions with a reasonable accommodation.



Americans with Disabilities Act

Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions.

Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has the same rights and privileged in employment as non-disabled employees.





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12 Easy Ways To Motivate Your Employees

And Get the Performance You Want

Employee Motivation

1. Think about your employees' strengths!

Most managers worry about what their people are doing *wrong*. A natural concern, but it kicks off a de-motivating spiral. To build motivation, remind yourself what each employee's greatest *strength* is.



Employee Motivation

2. Don't use motivation methods that don't work.

When you keep telling employees what to do and they keep messing up, who's being stupid? Some might say doing the same thing over and over, when it obviously doesn't work, isn't too sharp. Yet we often do just that, trying the same supervisory behaviors over and over and getting more and more frustrated when they don't work.



Employee Motivation

3. Re-calibrate your motivation scale.

We routinely accept mediocre motivation at work, forgetting that everyone is capable of high motivation levels. By looking at non-traditional benchmarks, we can re-calibrate our sense of what truly high motivation is. Sharing this realization throughout the organization helps create a vision of motivation for everyone to pursue.



Employee Motivation

3. Re-calibrate your motivation scale. (continued)

How? Ask employees and managers for examples of exceptional motivation. Seek out and share stories of exceptionally motivated explorers, athletes, musicians, artists, volunteers, inventors and entrepreneurs. Find out what activities or pursuits have created maximum motivation in the past for employees.



Employee Motivation

4. Teach employees to measure their own success.

Employees who keep track of their performances are able to notice and document their development. They create their own scoreboards and are able to track their wins more effectively than any manager.



Employee Motivation

4. Teach employees to measure their own success. (continued)

How? Every performance goal can be reduced to a simple, easy-to-track measurement. If the goal is not inherently quantitative, create a judgment scale to rate performance against. Today, only employees operating machinery in quality-oriented factories track their own performances routinely. Tomorrow, every employee should be measuring their own success.



Employee Motivation

5. Measure and track motivation levels.

How can you manage something you don't measure? Yet most organizations and managers have no idea how motivated their people really are. The typical employee satisfaction poll does not measure motivation. If you start to measure *motivation*, you can realistically expect to learn how to manage it. Without good measures, you'll never get any better at managing it.



Employee Motivation

5. Measure and track motivation levels. (continued)

How? Use a simple, repeatable instrument such as the Job Motivation Level (JML). Take periodic measures of overall employee motivation. And encourage supervisors to track motivation within their own spans of control on a routine basis.



Employee Motivation

6. Ask employees what they want.

Employees are motivated by...what motivates them! Employees have different goals and desires, and therefore need different performance and development opportunities. You can't motivate individuals with generic programs. To maximize motivation, ask each employee what turns them on.



Employee Motivation

7. Learn to recognize and eliminate threats.

Employees often feel that their managers use threats to try to motivate them, yet managers routinely deny it. They don't mean to threaten employees, but if that's how it feels to the employee, then it is a threat and it's damaging to motivation levels. So managers need to learn to recognize the things that employees see as threats and work on eliminating or reframing them. Opportunity is an effective motivator. Fear is not.



Employee Motivation

8. Stop Distracting Employees.

Most employees want nothing more than to focus on doing their jobs better and better. But from their perspective, critical incidents distract them, leading to worries about communication, security, fairness, respect and other key job criteria that managers rarely recognize. If you first take care of employees' most fundamental intangible requirements, you can then shift the focus from their concerns to your motivation and performance agenda.

Employee Motivation

8. **Stop Distracting Employees.** (continued)

How? Ask employees what bothers or worries them about their work and workplace.



Employee Motivation

9. Communicate!

Open communication is most employees' #1 priority. And the majority of employees say their managers don't communicate openly with them. But a majority of managers say they do. Who's right? Wrong question. If employees feel you are withholding information they need about their work or workplace, they will lose motivation and develop resistance to your management. Time to communicate more openly.



Employee Motivation

9. **Communicate!** (continued)

How? Since employees and managers generally see this issue differently, the simplest fix is to ask employees what they want to know. Ask them one-on-one, by email, in meetings. Give employees at least one chance a week to ask you for information. And then give them the information.

Employee Motivation

10. Ask employees for information about their performance.

This method turns on the power of informative feedback, which is information about how you are doing. The more information, the more intrinsic motivation. So good managers try to offer informative feedback. But do you always know the details? Probably not. So instead of telling them, ask them for information about their performance.



Employee Motivation

11. Explain your reward systems.

Arbitrary rewards generate cynicism, not motivation. Employees feel their managers don't respect them when a new program is announced out of the blue. They complain that the employer treats them like children. Show your respect for employees and appreciate their need to know by informing them fully about any new rewards.



Employee Motivation

12. Carry an idea notebook.

What do employees think? Do they have any good ideas? Who cares! At least, that's the attitude many employees assume their managers take. Yet most managers wish employees would share more of their ideas and insights. They just aren't very good at asking. They tend to interrupt or overrule ideas without really meaning to, accidentally discouraging the very behaviors they desire.



Employee Motivation

12. Carry an idea notebook. (continued)

How? A simple way to overcome this common problem is to carry a blank notebook reserved for recording employee ideas. Managers who make a practice of collecting at least a page of ideas each day become great listeners overnight, and their employees suddenly seem to be full of ideas.





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Effective Delegation



Effective Delegation

During this section, we will review the concept of leadership delegation and provide a four-step process for delegation. Specifically, the topics to be covered include:

- Definition
- Process
- Roadblocks
- Benefits
- Pitfalls



Effective Delegation

Delegation underscores a style of leadership which allows leaders to develop the skills and knowledge of their employees.

The objective of delegation is to have a task completed by a staff person rather than by the leader. Delegation is also about entrusting the leader's authority to an employee. This means that the employee is able to act independently and has ownership with the leader for successful completion of the task.



Effective Delegation

By delegating a task and the authority to execute against it, the staff person has the opportunity for personal development. Delegation allows leaders to tap into the potential of their employees and prepare them for leadership roles.

Lastly, effective delegation is not a one-time event nor is it “handing off” your least desirable tasks. Effective delegation is a process that can provide learning opportunities to your employees, while having tasks completed for you.



Effective Delegation

Delegation is important partly because it is something you owe yourself as an effective leader. You have a responsibility to yourself, your peers, and your organization to use delegation.

As a leader, you cannot do everything for the organization. There are only so many hours and only so much work you can get done in a day. Also, you can only be in one place at a time.



Effective Delegation

Delegation will also keep employees engaged and motivated because they are involved. An effective leader uses delegation to ensure that the organization operates at its fullest potential — instead of leaving potential undeveloped and untapped.



Effective Delegation

Before we begin to explore delegation, let's take a minute to reflect on four questions. These questions will help you decide if you are ready to use delegation as a leader.

Effective Delegation

- Are you ready to be receptive to your employee's ideas?
- Are you prepared and willing to accept that your employees will make mistakes?
- Are you ready to share successes with your employees?
- Are you ready to exercise self-restraint and let employees operate independently?



Effective Delegation

If you can answer “yes” to these questions, you are ready to begin delegating.

Let’s take a look at a process that can help you manage your delegation activities.

Effective Delegation

We are going to take a look at a four-step process for delegation. The four steps in the process are:

- Plan the delegation.
- Assign the task or tasks.
- Determine if the employee is ready to execute the task.
- Follow up with the employee.

Effective Delegation

When you begin to plan the delegation, there are five key activities to include:

- List the tasks that are appropriate to delegate.
- List the employees who are ready to take on added responsibility.
- Determine the specific results you expect.
- Determine when you will “check in.”
- Develop expectations for recording/reporting task activity.



Effective Delegation

A good starting point for deciding which tasks to delegate is to determine which tasks you were doing prior to becoming a leader. These tasks would probably be good ones to delegate.

However, tasks such as motivation, training, performance reviews, and promotions are not appropriate to delegate. Keep in mind that you should not be delegating only the tasks you don't enjoy doing, but tasks that can be successfully completed by your employees.



Effective Delegation

Remember, delegation is a development opportunity for your employees so you may need to provide coaching or mentoring to ensure the successful completion of the task.

Assess the skills and knowledge of employees to determine which tasks will be challenging and stretch their skills, yet still be attainable. Depending on the work distribution within the team, other tasks may need to be shuffled to ensure adequate time to complete the delegated task.

Effective Delegation

Determine the results during the planning stage to ensure you are clear on the outcomes that constitute success.

It is imperative to the success of the delegation to set clear expectations and deliverables prior to allowing the employee to work on the task. As you analyze the task to determine the desired results, remember that the results need to be specific, measurable, attainable, and time-bound.

Effective Delegation

Since part of delegation is giving an employee authority, it is not appropriate to be checking in constantly. This will undermine the ownership of the task.

The employee may perceive constant checking in as a leader's lack of trust and may undermine the employee's confidence. Instead, determine when it is appropriate to "check in" based on the difficulty, importance, and timeline of the task, and adhere to the schedule.

Effective Delegation

It is important to be clear on how you want the employee to document and report on the task's progress.

If there is a template or project plan that is expected, have a sample document for the employee to refer to as a guide. Plan the recording and reporting expectations prior to meeting with the employee to ensure adequate preparation time for you to create the documentation.



Effective Delegation

After you have determined the task you are going to delegate, the next activity is to schedule a meeting with the employee to discuss the delegation. During this meeting it is important to discuss:

- The task that is being delegated.
- The expected outcomes of the assignment.
- Why the employee was chosen.
- The details of the task.



Effective Delegation

Describe the task that you are going to delegate. First, explain to the employee why you have decided to delegate the task. Next, explain the task from a high-level perspective to give the employee an overview of what the task is. Confirm that the employee understands the task.



Effective Delegation

During the planning activities, you decided on the expected outcomes or results the employee is expected to deliver. Now is the time to introduce them to the employee. Discuss the specifics of the results, how they will be measured, and the timeline for completion. Confirm that the employee understands.

Effective Delegation

Thank the employee for considering performing the task. Tell the employee why you decided to delegate this task to him or her. Identify the skills or knowledge the employee has that will lend to the successful execution of the task. When possible, state this in behavioral terms so the employee is clear on why he/she was chosen.



Effective Delegation

The last discussion point in the meeting is to elaborate on the details of the assignment. Provide the employee with all the information needed to ensure success.

Specifically, discuss:

- Problems that may be encountered.
- The scope of the employee's authority or decision-making ability.
- Your "check in" schedule.
- Recording/reporting process.

Ensure the employee understands the details of the assignment and the expectations you have for the task.



Effective Delegation

At this point in the process, you have provided the employee with detailed information regarding what is expected. Now it is time to determine if the employee is ready to take on the task. To do this:

- Solicit the employee's input — Ask probing questions to determine if the employee is confident the task can be completed successfully. Allow the employee the opportunity to identify any concerns with the assignment.



Effective Delegation

- Provide answers to any questions — Provide answers regarding the task to the employee; or, if necessary, capture the questions and follow up with the employee at a later date.
- Determine if formal training is necessary — Based on the task requirements and the skills of the employee, determine together if there is any formal training that will be necessary for the employee to be successful. Discuss options and timing for receiving the needed development.



Effective Delegation

- Offer an “open door” policy — Although the process of delegation transfers authority from the leader to the employee, it is imperative that you are available to provide assistance. The employee needs to feel confident you are available if questions or problems arise.



Effective Delegation

Delegation is a process; therefore, it is imperative to follow up on a regular basis. Follow-up meetings should be scheduled based on the “check in” process you created during the delegation planning. These are the formal follow-up meetings; however, the task or assignment may be discussed at any time. During the formal follow-up meetings, discuss these items:



Effective Delegation

- The employee should report on the progress of the expected outcomes.
- Ask the employee what obstacles or problems have been encountered and offer suggestions on how to overcome them.
- Provide any additional information the employee needs to be successful. This may include coaching, mentoring, or additional training.



Effective Delegation

Delegation can be a difficult process, especially if you have tried it before and the results were not what you expected. As a leader, you are ultimately responsible for the success of the task.

The three types of delegation “roadblocks” that can stop a leader from delegating or take them off course are:

- Excuses.
- Obstacles.
- Resistance.



Effective Delegation

As a leader, it can be difficult to delegate to others. Some of the more common excuses for not delegating include:

- “I can do it better” — In reality, your employees are talented and have the potential to successfully complete delegated tasks. It may take them longer, or they may take a different path, but in the end, the task will be completed successfully.

Effective Delegation

- “My employees won’t respect me.” — Employees will respect you more as a leader if you are willing to develop them and help them become prepared for future roles in the organization. As a leader, it is your responsibility to delegate and challenge your employees.



Effective Delegation

- “I will lose control.” — As the leader, you are ultimately responsible for the successful completion of your tasks. Although you and the employee share authority for the task, you still have control since you are accountable for the task.
- “What about my personal satisfaction?” — There is a sense of personal satisfaction when you complete a task by yourself. However, there is also great satisfaction in helping an employee stretch and reach his or her potential.

Effective Delegation

In addition to excuses, there are obstacles that hinder a leader's ability to delegate. These obstacles may be personal or organizational and include the following.

Personal obstacles:

- Having a negative attitude toward delegation.
- Having a leadership style that doesn't lend toward employee development.
- Having difficulty communicating clear expectations.
- Lacking knowledge on how to delegate.



Effective Delegation

Organizational obstacles:

- Hierarchy.
- Procedures or rules.
- Organizational culture.
- Unidentified skills and talents of the employee population.



Effective Delegation

The last delegation roadblock to be aware of is resistance. As a leader, you may be open and willing to delegate only to find your employees are resistant to the idea. Employees have reasons why they fail to cooperate or participate.

Those reasons include:

Effective Delegation

- **Fear of failure** — Employees are afraid to make mistakes and have a fear they will fail. As the leader, it is important to understand that mistakes may happen, and a mistake needs to be looked on as a learning opportunity, not a failure. As the employee has small successes with the task, celebrate those to increase the employee's confidence and lessen the fear.



Effective Delegation

- **Perception of the task** — If the employee has the perception that the task has only been delegated because the leader doesn't want to do it, there may be resistance. Prior to introducing the task, be sure you are prepared to discuss the task in a positive manner, and explain how this can be a learning and development opportunity.



Effective Delegation

- **Fear of hurting someone** — An employee may resist a delegated task assignment if he or she perceives someone may feel hurt in the process. For example, if accepting the task means someone will have to take on more work or that someone may be disappointed that he or she wasn't chosen, there may be resistance.



Effective Delegation

When you overcome the roadblocks to delegation (excuses, obstacles, and resistance) you will reap the benefits of the process. Not only will you have more time available to work on different tasks, your employees will experience added responsibility and the organization will benefit in terms of results.



Effective Delegation

As you use the delegation process, keep the following potential pitfalls in mind:

- **Overloading one employee** — Spread the responsibility to the entire team to keep everyone involved. This may mean shifting team responsibilities to allow time for delegated tasks. Delegate tasks based on employees' skills, knowledge, time availability, and willingness to participate.



Effective Delegation

- **Delegating only disliked tasks** — Don't delegate only the tasks you don't like or tasks that are simple. Choose tasks that will tap into the potential of your employees and help them develop for future roles in the organization.
- **Seeing delegation as a weakness** — Delegating is not a weakness in a leader. Instead, it an opportunity to develop others while freeing up your time to work on more important tasks.



Effective Delegation

To summarize, we discussed what delegation is, why it is important, and a four-step process for delegation.

The four steps to the delegation process are:

- Plan the delegation
- Assign the task(s)
- Determine employee readiness
- Follow up





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Performance Management Process

Step-by-Step to a
Performance Management System

Performance Management

Performance appraisals, performance reviews, appraisal forms...as a stand-alone the performance review is universally disliked and avoided. After all, how many people in your organization want to hear that they were less than perfect last year? How many managers want to face the arguments and diminished morale that can result?



Performance Management

How many supervisors feel their time is well-spent to document and provide proof to support their feedback - all year long? Plus the most important outputs for the performance appraisal, for each person's job, may not be defined or measurable in your current work system.



Performance Management

If the true goal of the performance appraisal is employee development and organizational improvement, consider moving to a performance management system. Place the focus on what you really want to create in your organization - performance management and development.

Performance Management

In a recent Human Resource poll, 16 percent of the people responding said they have no performance appraisal system. Supervisory opinions, provided once a year, are the only appraisal process for 56 percent of respondents. Another 16 percent described their appraisals solely on supervisor opinions, but administered more than once a year.



Performance Management

If you follow these steps to create a performance management system, it will significantly improve the appraisal process. Staff will feel better about participating and the performance management system will positively affect-performance.



Performance Management

Performance Management and Development in the General Work System

- Define the purpose of the job, job duties and responsibilities.
- Define performance goals with measurable outcomes.
- Define the priority of each job responsibility and goal.
- Define performance standards for key components of the job.



Performance Management

Performance Management and Development in the General Work System

- Hold frequent discussions and provide feedback about employee performance, preferably daily, summarized and discussed at least quarterly. Provide positive and constructive feedback.



Performance Management

Performance Management and Development in the General Work System

- Maintain a record of performance through critical incident reports. Keep notes about contributions or problems as they occur and keep in the employee's file.



Performance Management

Performance Management and Development in the General Work System

- Provide the opportunity for the employee to provide feedback on their performance by having them complete a self-evaluation.



Performance Management

Performance Management and Development in the General Work System

- Develop and administer a performance improvement plan if the employee is not meeting expectations.



Performance Management

The Performance Development Process (PDP) Meeting

- Choose a comfortable, private setting to hold the meeting.
- Discuss and agree upon the objective of the meeting – to create a performance development plan

Performance Management

The Performance Development Process (PDP) Meeting

- The employee discusses the achievements and progress he/she has accomplished during the quarter
- The employee identifies ways in which they would like to further develop their performance, including training, assignments, new challenges, etc.



Performance Management

The Performance Development Process (PDP) Meeting

- The supervisor discusses performance for the quarter and suggests ways in which the employee might further develop their performance.
- The supervisor will add their thoughts to the employee's areas of development and improvement.
- Discuss areas of agreement and disagreement to reach a consensus.

Performance Management

The Performance Development Process (PDP) Meeting

- Examine the job responsibilities for the coming quarter.
- Agree upon standards of performance for job responsibilities.



Performance Management

The Performance Development Process (PDP) Meeting

- Set goals for the quarter.
- Discuss how the goals support the accomplishment of the organization's business plan, the department's objectives, etc.
- Agree upon measurements for each goal.



Performance Management

The Performance Development Process (PDP) Meeting

- Assuming performance is satisfactory, establish a development plan with the employee that helps them grow professionally.

Performance Management

The Performance Development Process (PDP) Meeting

- If performance is less than satisfactory, develop a written performance improvement plan and schedule more frequent feedback meetings. Remind the employee of the consequences connected with continued poor performance.



Performance Management

The Performance Development Process (PDP) Meeting

- Both the supervisor and employee sign the performance development tool to indicate the discussion took place.

Performance Management

The Performance Development Process (PDP) Meeting

- End the meeting in a positive, supportive manner. The supervisor expresses confidence that the employee can accomplish the plan and that the supervisor is available for support and assistance.
- Set a time frame for a formal follow up, at minimum quarterly.

Performance Management

Following the Performance Development Process Meeting

- If a performance improvement plan was necessary, follow up at the designated times.
- Follow up with performance feedback and discussions regularly throughout the quarter. (An employee should never be surprised about the content of feedback at the performance development meeting.)



Performance Management

Following the Performance Development Process Meeting

- The supervisor needs to keep commitments relative to the agreed upon development plan, including time away from the job, payment for courses, agreed upon work assignments, etc.
- Forward appropriate documentation to the Human Resources office and retain a copy of the plan for easy access and referral.





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Disciplinary Techniques For Supervisors



Disciplinary Techniques for Supervisors

Supervisory training is critical to the success of any discipline program.

Supervisors should consider the following techniques and considerations to effectively discipline employees:



Disciplinary Techniques for Supervisors

1. Cool down
2. Get the facts
3. Be decisive
4. Be flexible
5. Do it privately



Disciplinary Techniques for Supervisors

6. Attack the offense, not the offender
7. Don't overemphasize a single mistake
8. Don't get emotionally involved
9. Avoid pulling rank
10. Explain why and seek agreement



Disciplinary Techniques for Supervisors

11. Discipline present, not past, offenses
12. Apply a progressive penalty
13. Penalty should fit the offense
14. Show confidence in future behavior
15. Don't hold grudges
16. Admit it when wrong
17. Be consistent





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How to Hold a Difficult Conversation

Providing Responsible Feedback

How to Hold a Difficult Conversation

If you manage people, work in Human Resources, or care about your friends at work, chances are good that one day you will need to hold a difficult conversation.

How to Hold a Difficult Conversation

Some examples include:

- Employees may show up late for their scheduled shift.
- Work productivity may be lacking.
- People may dress inappropriately and unprofessionally for work.
- Personal hygiene is sometimes unacceptable or someone may use inappropriate language.



How to Hold a Difficult Conversation

Have you encountered any of these examples? They're just samples of the types of behavior that cry out for responsible feedback. These steps will help you hold difficult conversations when people need professional feedback.

Steps to Provide Feedback in a Difficult Conversation

- Seek permission to provide the feedback. Even if you are the employee's boss, start by stating you have some feedback you'd like to share. Ask if it's a good time or if the employee would prefer to select another time and place. (Within reason, of course.)



Steps to Provide Feedback in a Difficult Conversation

- Use a soft entry. Don't dive right into the feedback - give the person a chance to brace for potentially embarrassing feedback. Tell the employee that you need to provide feedback that is difficult to share. If you're uncomfortable with your role in the conversation, you might say that, too. Most people are as uncomfortable providing feedback about an individual's personal dress or habits, as the person receiving the feedback.



Steps to Provide Feedback in a Difficult Conversation

- Often, you are in the feedback role because other employees have complained to you about the habit, behavior, or dress. Do not give in to the temptation to amplify the feedback, or excuse your responsibility for the feedback, by stating that a number of coworkers have complained. This heightens the embarrassment and harms the recovery of the person receiving feedback.



Steps to Provide Feedback in a Difficult Conversation

- The best feedback is straightforward and simple. Don't beat around the bush. I am talking with you because this is an issue that you need to address for success in this organization.

Steps to Provide Feedback in a Difficult Conversation

- Tell the person the impact that changing his or her behavior will have from a positive perspective. Tell the employee how choosing to do nothing will affect their career and job.



Steps to Provide Feedback in a Difficult Conversation

- Reach agreement about what the individual will do to change their behavior. Set a due date - tomorrow, in some cases. Set a time frame to review progress in others.

Steps to Provide Feedback in a Difficult Conversation

- Follow-up. The fact that the problem exists means that backsliding is possible; further clarification may also be necessary. Then, more feedback and possibly, disciplinary action are possible next steps.



How to Hold a Difficult Conversation

You can become effective at holding difficult conversations. Practice and these steps will help build your comfort level to hold difficult conversations. After all, a difficult conversation can make the difference between success and failure for a valued employee. Care enough to hold the difficult conversation.





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Documenting Discipline



Documenting Discipline

Proper Documentation

Documentation for discipline must be specific, descriptive and consist of substantive points. These points must be made in respect to the employee's violation, expectations for corrective action and consequences. Never should your documentation represent your personal or any negative opinions, but should address the behaviors and violations alone. The employee is being disciplined for these violations, not because he or she is a bad person.

Documenting Discipline

Always:

- Be specific with dates, words, and actions.
- Make sure your notes are unbiased and without generalities, like "she has a bad temper," or, "he is always late." Make sure dates of violations are included, and there is no verbiage that could be mistaken for an attack on the employee's character.
- Write clearly and legibly.



Documenting Discipline

Always:

- Make sure your documentation is consistent with company policy.
- Describe the incident causing this action.
- Describe what will happen if the employee violates the rules.
- Be clear with expectations, objectives, and timetables.



Documenting Discipline

Always:

- Discipline and document in a timely manner while details are fresh.
- Be consistent and don't make exceptions to company policy. Each employee should be treated with equal consideration.
- Discipline after you have thoroughly investigated the situation.

Documenting Discipline

Always:

- Discuss any disciplinary action with your Human Resources Department.
- Keep disciplinary procedures private. Do not share information with other employees or others who do not need to know.
- Have another member of the management staff or a HR representative present when disciplining an employee.



Documenting Discipline

Proper Documentation

Consistent discipline with appropriate documentation improves productivity and morale in the workplace. It is necessary to insist on high standards of conduct and productivity with all of your employees. If your employees view you as fair, firm, consistent and competent, they will take pride in their own accomplishments. If not, you will lose good employees and could be plagued with constant disciplinary problems.



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