



Human Resource

# Updates

for Business Owners

Winter  
2005

## Did You Know...

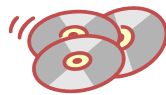
- 77% of employees polled said they consider performance reviews valuable.
- The number of employees who telecommute grew 7.5% to 44.4 million workers in 2004.
- According to the American Journal of Public Health, men who never take sick days have far greater risks of heart attacks than those who take days off when ill.
- Employers who screen job applicants for drug use report a 68% increase in positive results for methamphetamine use.
- 75% of workers polled stated they plan to continue working past their normal retirement age.
- 96% of employers conduct background checks on job applicants.



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## Frequently Asked Questions

**Q. Should we allow our employees to download music from the Internet for personal use? Our system at work is so much faster than their home systems.**



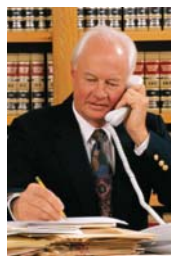
**A.** If you allow them to download for personal use without permission or paying for it, your company may be held liable for copyright infringement. Many lawyers argue that by supplying Internet and network access and computers to employees, a company is contributing to copyright violations. It is a good idea to have a policy in place against illegal downloading.

**Q. One of our employees had his laptop stolen when he set it down at an airport. Can we deduct the cost of a new one from his pay?**

**A.** Not unless he voluntarily authorizes doing so in writing. Many companies incorrectly make deductions from pay for lost, damaged or stolen company property, tuition reimbursement, equipment, etc. With few exceptions a company may not deduct from employee wages for money the company believes an employee owes.



## Increase in Age Discrimination Lawsuits



The workforce is getting older, and the fastest growing category of claims filed with the Equal Employment Opportunity Commission (EEOC) is age discrimination.

Under Federal law, individuals 40 years of age and older are considered a protected class. As is true when defending any charge of

discrimination, a company that insists its managers maintain good documentation on employee performance will be safest. In general, the toughest employment case to defend is the one with poor or non-existent documentation.

In order to avoid facing this situation, all companies should train their supervisors in proper documentation techniques and hold them responsible for doing so.



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### PRODUCTS AND SERVICES

- Employee Handbooks
- HR Policies and Procedures Manual
- Position Descriptions
- Customized HR Forms
- New Employee Orientation Programs
- Employee Relations/HR Hotline
- Hiring and Termination Guidelines

### TRAINING AND SEMINAR TOPICS

- Ethics in the Workplace
- Preventing Harassment and Offensive Workplace Behavior
- Fundamentals of Supervision
- Successful Employee Interviewing and Selection
- Writing and Conducting Effective Performance Evaluations
- Coaching and Counseling for Improved Performance
- Lawful Employee Discipline and Discharge

## SPOTLIGHT ON:



## Employee Discipline and Corrective Action

When it becomes necessary to address an employee's unsatisfactory performance or behavior in the workplace, there are certain questions supervisors should ask themselves before taking action. Careful consideration of each of these questions will help employers decide the seriousness of the problem and the appropriate course of action.

### What is the employee's past record?

To be fair, we must give consideration to each employee's individual record. While we always want to behave consistently, we also need to treat people as individuals. How we address a performance problem with a long-term employee MAY be different than how we deal with another employee who had a series of performance problems.

### Do I have all the facts that bear on this situation?

If we have not gathered all of the facts, we are not ready to take disciplinary action. Are you dealing with rumors or hearsay? Has the employee been given a chance to present his or her side of the story? Have we considered all of the circumstances? Management's decisions should never be based on suppositions, assumptions or unwarranted jumps in logic. Remember, employees have the right to fair discipline based on facts, and the right to question those facts and present a defense.

### Have we provided a reasonable opportunity to improve or correct the problem?

Good supervisors take the time to address performance issues right away and give their employees a chance to correct their problems. It is not only risky legally to dismiss employees without giving them an opportunity to correct their mistakes and conform to our expectations, it is also unfair. Except in cases of serious misconduct, giving a second or third chance is only right.

### Has the employee been given fair warning regarding the seriousness of the performance problem?

This is regularly considered a primary issue in employee discipline. Did the employee understand what he or she had been doing was wrong and did they know the consequences of their behavior. Courts have stated very clearly that if employees have full knowledge of expectations and the results of not fulfilling those expectations, they can make an informed decision about their own performance.

### What actions have we taken in similar situations in the past?

Almost as important to the employee as knowing which acts may result in discipline is the knowledge that acts will be dealt with consistently. Companies must act uniformly when they discipline to ensure that the degree of the penalty is consistently applied throughout the organization. Employees must believe that management will use discipline according to a predictable policy and that all employees will be treated the same way, according to individual circumstances. In addition, remember that your decision regarding disciplinary action may be precedent-setting, which will have a strong effect on future decisions.

### Do I need to consult anyone else before taking action?

This may be the most important question to ask yourself. In this age of employment litigation, it has become even more critical that employers recognize their own skill and experience level in addressing performance matters, and obtain expert assistance when needed.

If you have any questions about this article, please call Denise Dross at Human Resource Guidance at 952-449-6220.