



Industry Update



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When an Employee is Not the Right Fit: What Employers Need to Know About Letting An Employee Go

If you've ever watched the reality TV show *The Apprentice*, you've seen Donald Trump deliver his now famous catchphrase, "You're Fired", to one of two employees who are brought into a board room to duke it out over which one of them will be terminated. Oftentimes, voices raise and the contestants stoop to bashing one another to make the case for why they should not be the one who is sent home. If the contestants on *The Apprentice* were actual employees instead of contestants on a TV show competing to win a prize, then the way that their terminations are handled would be perfect examples of how not to fire an employee. In fact, the presence of non-management colleagues, the dialogue around employee behavior off the job in the penthouse apartment where they live together and the name-calling at the termination meeting on the show are prime examples of how employers can put themselves at risk when firing an employee.

Obviously, for TV rating's sake, *The Apprentice* is a purposefully extreme case of how a termination can be handled poorly, making it easy to identify what the employer could do differently to reduce the risk of a termination related legal issue. In the real working world, the difference between a well executed termination and one that creates the potential for issues is often much less exaggerated. However, when employers make the decision to fire an employee there are steps they can take to ensure that the termination goes smoothly and does not put them at risk of an unnecessary lawsuit or grievance.

Have a signed Employment Agreement.

The very first thing employers can do to prevent termination lawsuits should occur when firing an employee is the last thing on their mind...when they are hiring the employee. Specifically, when employers hire a new employee they should have them sign an employment agreement that explains that the employment relationship is "at-will" which means both the employer and the employee can choose to end the relationship at any time.

Have standard policies in place and apply them equally to all employees.

Employers can also protect themselves from legal consequences by having standard policies in place so employees know exactly what is expected of them on-the-job and what will happen if they fail to meet expectations. Employers should be sure to enforce their policies equally for every single employee in every single applicable situation to avoid accusations of discrimination or disparate treatment.

Document, document, document and document some more.

Having standard policies alone is not enough for employers to protect themselves from lawsuits. Employers must have the policies in writing and must share copies of the policies with all of their employees.

(*"When an Employee is Not the Right Fit"* continued on page 2...)

In this issue:

- When an Employee is Not the Right Fit: What Employers Need to Know About Letting an Employee Go
- Award Staffing Recognizes All-Star Employees During Staffing Employee Week
- Award Staffing Online Timekeeping Gets Rave Reviews from Clients
- In the Breakroom: Award Staffing Wuzzles

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(... "When an Employee is Not the Right Fit" continued from page 1)

Document, document, document and document some more should also apply to an employer's disciplinary processes to ensure that the employer has proof of grounds for termination in case the termination ends in a legal action against the employer.

For every transgression that occurs, employers should document: the details of the transgression; the company policy it breaks; the action taken by the employer to notify the employee of the transgression; and the employer's expectations and timeline for improvement. Both the employee and the employee's direct manager should sign the document. Copies of these documents should be kept in an employee's personnel file.

Have a legitimate, job-related reason for the termination.

The best way employers can protect themselves from wrongful discharge or discrimination lawsuits is to have a legitimate, well-documented, job-related reason for letting an employee go. Job-related reasons include: gross or repeated misconduct, poor performance and breach of contract.

Be well prepared for the termination meeting.

Prepare in advance to make sure the termination meeting goes as smoothly as possible.

Items to have on the termination meeting checklist include:

- Ensure you have a well-documented, job-related reason for the termination.
- Plan to have the employee's direct manager and a representative from Human Resources present at the termination meeting. The direct manager should inform the employee of the termination and the HR Representative should act as a witness and note-taker to document the meeting.
- Plan to have the meeting in a room that offers privacy from the rest of the staff.
- Have tissues, water and a phone available.
- Be prepared in case the employee reacts in a violent manner.
- Stick to the facts of the job-related reason for the termination.
- Plan to have the appropriate representative from Human Resources go through details about final pay, benefits and severance if it will be offered.
- Be prepared to go over the return of company property, post-termination restrictions, the exit process and the appropriate contact person for post-termination questions or issues.

Be prepared with a post-termination plan.

Once an employee has been let go, employers must be prepared to either delegate the terminated employee's work to other employees, to hire someone new to replace the terminated employee or to outsource the terminated employee's work.

When in doubt, seek advice from a legal expert.

If you are an employer and are considering firing an employee, but are unsure of whether or not you are within your rights to do so, contact an attorney. Legal experts are trained to help employers determine if they have a legitimate and well-documented reason for terminating an employee. Additionally, they may be able to help employers identify areas where they can improve their employment agreements, disciplinary policies or termination process to ensure that every termination is handled with the discretion, decisiveness and compassion required to minimize the risk associated with letting an employee go.

At the end of the work day, the task of firing an employee is never a pleasant one, but it is one that can be made easier by being aware of termination laws, having a progressive disciplinary process that includes good documentation of disciplinary actions, sticking to the job-related reason for the termination, seeking the advice of a legal expert and not following *The Apprentice's* example.

In the Breakroom with Award Staffing: Wuzzles

Each box below is a picture representation of a word or phrase. Put on your thinking cap on to figure out what each picture says.

PumPkinPie

TAILR
RIALT
AIRTL
TLRIA

TRY STAND
2

JOBINJOB

Stumped? For the answers to these puzzles call your Account Manager at (952)924-9000

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Award Staffing Online Timekeeping Gets Rave Reviews From Clients

Award Staffing recently responded to some of its clients' requests for a time submittal and tracking system that would not require the hassle of filling out individual time cards or faxing copies of time sheets by creating a new online timekeeping system.

Award Online Timekeeping is a web based application that allows clients to submit and approve hours for Award Staffing employees with the click of a button. It is fully automated so employees are automatically entered into the timekeeping system depending on the status of their assignment as active or inactive. Clients using the online timekeeping system have the flexibility to enter and approve hours from any computer that has an internet connection.

The dynamic timekeeping system is customizable so it can be tailored to the needs of all Award Staffing clients who wish to use it. The system can also generate timekeeping reports that can help clients track their temporary staffing usage and make important decisions about how to maximize the efficiency of their contingent workforce.

Michelle Keltner of Great Northern Bakery is among Award's clients who are extremely satisfied with the benefits Award's online timekeeping provides. "I love the on-line access to the time. This is so easy for me plus I have them (Award Staffing employees) clocking in on our time card clock. This is so easy for me to manage," she raves.

If you would like to learn more about Award Staffing Online Timekeeping or would like to start using Award Staffing Online Timekeeping to submit hours for Award Staffing employees on assignment at your company, call your Award Staffing Account Manager at 952-924-9000 today!

Award Staffing Recognizes All-Star Employees During Staffing Employee Week



Early in September the Minnesota Recruiting and Staffing Association (MNRSA), of which Award Staffing is an active member, received a proclamation signed by Minnesota Governor Tim Pawlenty (R) declaring the week of September 15-18, 2008 Staffing Employee Week 2008 in the state.

The Award Staffing Team knows that the temporary employees who represent our company by doing an outstanding job on assignments largely contribute to our success. As a result, we took National Staffing Employee Week as an opportunity to recognize and thank our employees for their hard work. However, National Staffing Employee Week is not the only time we celebrate our temporary employees. Each month we honor an employee, who has been nominated by the company he or she works for, as our Temporary Employee of the Month.

In the proclamation Governor Pawlenty outlined the significant and positive impact the staffing industry has on the economy by employing approximately 49,133 people per day in Minnesota, providing businesses with the skilled workers they need to operate efficiently during busy times and providing temporary workers with free skills training to help meet the demand for skilled workers.

Temporary Employees of the Month receive a \$50 Visa gift card from Award Staffing in appreciation for a job well done. Award also provides a pizza lunch to the chosen employee's place of assignment as a thanks to our client for nominating the exemplary employee and helping Award ensure that we are able to reward, retain and continue to send our clients only the best talent.

Minnesota Staffing Employee Week 2008 coincided with National Staffing Employee Week 2008 during which the American Staffing Association (ASA) honored the hard work of the 3 million temporary and contract workers who work through U.S. staffing firms every day.

If you have an outstanding Award Staffing employee working at your company and would like to nominate him or her to be Award's Temporary Employee of the Month, please contact your Account Manager with the employee's name and a brief description of his or her outstanding on-the-job performance.

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