



HRxaminer

*Examining practical HR issues business owners
and managers encounter every day*

HR Miscellanea



This month I decided to be more random in my newsletter topics. I have a variety of post-it notes around my office of HR tips to share. So this is the month to finally share them.

Reference Checks: How many of you think that checking references before hiring is a waste of time? I had a client who was ready to call a candidate to extend an offer and at the last minute decided to check her reference. When speaking to the first reference (listed by the candidate) he discovered that the candidate totally misrepresented herself and had not performed any of the higher level tasks she claimed.

Bullet dodged – from a simple 5-minute call. The offer was never extended. So don't overlook reaching out to candidates' references. You never know what you'll learn – good and not-so-good.

90-Day Probation Periods: First of all, using the word "probation" isn't recommended and definitely should not be used in your employee handbook. Probation is a union holdover term, the opposite of which implies "permanent" employment – which we also don't want to imply.

If you want to formally review your employees in the first 90 days, I'd just call it a Review, Orientation or Introductory Period. But make sure you're going to actually review them. Many companies reference this period and then do nothing about it. If you promise a 90-day review, don't conduct it and then terminate an employee, they could claim wrongful termination because you didn't give them the promised feedback. You didn't give them the opportunity to succeed.

I write these policies using loose language, such as "It is our intent to conduct formal and/or informal reviews during the first 90 days of employment." Sometimes I write that we "typically conduct reviews..." even when talking about annual reviews. Just remember that you have to live with your promise. If you never plan to give reviews, or don't hold managers accountable for conducting reviews, then don't reference reviews in your handbook.

Another myth is that if we terminate an employee during this 90-day period that we have no legal obligation for unemployment or wrongful termination. Once you hire an employee, no matter your policy or your review period, you have full obligations as an employer. I still recommend that if an employee truly isn't a fit to the job or your organization, try to work it out, but if it isn't going to ever work, let them go. This may minimize your unemployment obligation, but not eliminate it.

Final Warnings: I'm "borrowing" this next idea from someone who attended a seminar of mine. She said that when they place an employee on final warning, they create a disciplinary document that the employee signs that states something like: "If you do x again, we consider this to be your self-termination of employment." That way if the employee, for example, is late again, they can communicate to the employee that we consider this behavior to be your resignation.

From a legal-ish perspective, we know it's still the employer terminating the employee. But it does put the onus on the employee to recognize that they've made a decision to be late one more time and that their behavior caused the termination.

I've not done this, yet. But it sure sounds interesting to me.

Probationary Periods During Final Warnings: Now we're at the double whammy of the above. Sometimes we place employees on probation for a set period for performance or disciplinary reasons. My feeling is that these behavioral expectations should be forever.

I've heard too many stories about employees who were given 90 days to have perfect attendance or else they'll be fired, only to have them be absent on the 91st day.

Make sure your corrective active documentation is open-ended and applies not only to the policy they regularly violate but to

any other policies they may violate. Some employees like to switch up their policy violations. Open-ended wording provides you with more flexibility.

Throwing Away Written Warnings: Employees are allowed to ask that you remove old disciplinary documentation from their file. The answer should always be “no.” You never know when you’ll need that documentation in the future. If employees turn around their performance or behavior, then you can always add a positive note to the file stating that they’re doing great. But never destroy any disciplinary records.

I’ve been involved in unemployment hearings where the judge has asked whether the former employee had received any prior warnings regarding the particular violation and knew it was grounds for termination. The judges don’t care whether the warning was 6 weeks or 6 years ago. You want the written evidence.

Hopefully, these tips were helpful! Now I can clean off my desk...or not.

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May Supervising Smart Series

Our next 2-hour Supervising Smart training session is from 10:00 – 12:00 on Tuesday, May 22th on the topic of:

Managing Change

- How to evaluate change events and pre-plan organizational change
- Effective ways to implement and communicate change
- Working together for better change results – before, during and after

Location:

Hamline University Minneapolis Campus

1600 Utica Ave S., 7th Floor

St. Louis Park, Minnesota 55416

Fee: Each session is \$70 per person

Registration Link: [Click Here for More Information](#)

Here’s the schedule for the remainder of the year:

5/22/18: Managing Change

6/26/18: Values and Redefining the Culture

7/24/18: Everyday Management Do’s and Don’ts

8/28/18: Assertiveness: Finding the Balance

9/25/18: Effective Interviews: From Screening to Hire

10/23/18: Collaboration

11/27/18: Creativity / Creative Thinking

12/18/18: Professionalism and Ethics

I hope to see you there!

Feel free to sign up for one or more sessions to save your spot. You can also mix and match attendees so that the right people receive the right training.

Call [952.996.0975](tel:952.996.0975) [email Arlene](mailto:arlene@arlenevernon.com) if you have any questions!

About Arlene Vernon

Arlene has provided HR consulting and management training services to over 500 organizations since starting HRx, Inc. in 1992.

If you’re seeking a hands-on, practical HRxpert to assist your organization with employee relations, policy development, strategic HR activities or fun/doable management training, call on Arlene – Your HRxpert.

If you’re planning a conference, seminar or special event, Arlene specializes in keynotes, seminars and workshops to meet your

talent management needs. And if you're seeking a more lively entertaining activity, Arlene's custom songs and musical-inspirational keynotes may be perfect for your organization!

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