

THE TEN COMMANDMENTS OF HIRING AND FIRING

Waldthausen & Associates, Inc. is a Retained Executive Search firm with the focus on recruiting managers that influence a company's result and earnings. The firm focuses on recruiting professional managers for US subsidiaries with parent companies located in central Europe.

Many avoidable mistakes are made during the process of hiring and laying off employees. This can be very disruptive to your business, not to mention lost opportunities, as well as cancelled orders, increased business risk, higher service and warranty costs just to name a few.

Hiring

1. Follow closely all relevant company policies related to hiring. e.g. application and offer process, interviews, and EEO. If you do not have any such policies, develop them and train all persons who are to use them
2. Be aware of relevant state and local laws, as well as national ones.
3. Learn about and train all employees to avoid allegations of disparate treatment.
4. Be consistent in your decision to avoid allegations of disparate treatment.
5. Act on the basis of job-related factors.
6. Document such things as eligibility to work in the United States after job offers.
7. Carefully verify the legality of and business justification for any pre-employment testing (drugs, psychology, etc.)
8. Use at-will statements and contract disclaimers on application forms and offer letters and avoid statements re: job security, probationary periods, tenure and reasons for discharge, unless you intend to create a contract, which should be done in writing.
9. Do not make promises you may not be able to keep – (e.g. “We will review your application against future openings.”).
10. Be humane and professional.

Below we are offering 10 basic considerations when hiring/laying off employees, which we strongly recommend you follow. This is not to say there aren't many other important issues that should accompany both scenarios, but we thought by highlighting some of the key issues, your firm would benefit

Firing

1. Follow closely all relevant company policies related to discharge, e.g. termination, progressive discipline and EEO. If you do not have any such policies, develop them and train all persons who are to use them.
2. Do not act alone. Two heads are better than one. Two witnesses are better than one. Avoid the he said/she said scenario played out by Anita Hill and Clarence Thomas.
3. Never act out of anger. Wait until you are no longer angry and investigate thoroughly before deciding what to do. In an emergency, suspend (with pay for exempt employees).
4. Do not give assurances of job security, long-term employment. Otherwise you may be creating contracts. If you have a contract, follow it.
5. Honestly and fairly evaluate employees' performance reviews and document accurately. In other words, be proactive in trying to avoid problems before it is necessary to terminate.
6. Act based on job-related factors, not on personality or other factors not related to the job.
7. Be consistent. Discrimination claims thrive where similar circumstances are not treated similarly.
8. Be reasonable in establishing expectations of your employees and give clear notice of the same.
9. Document your decision in writing. Remember that whatever you write will be “Exhibit A” in any lawsuit.
10. Be humane and professional. Many lawsuits are filed for reasons of revenge.

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