



May



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Upcoming Events

Next Generation
Management - Who
Leads Next?

Are you ready to embrace generation X and Y in your workforce with positive anticipation or are you avoiding it? Join us for this lunch 'n learn conversation with millennial generation expert, Terese Corey-Blanck. Wednesday, May 6, 2009.

Cash ... the Lifeblood of
Every Business

How much easier would your business life be if you improved your cash flow? There are options within reach! Join us for this discussion, with Kristin Erickson of PrinSource, to learn how

AssetHR E-Newsletter

Dear AssetHR Friends,

HR for Managers

Oops, I Did It Again: Ten Most Common Managerial Mistakes That Lead to Litigation



Employers that fail to adopt and follow basic good management practices will substantially increase their risk of litigation and liability. It is not illegality that fuels employee lawsuits, but rather employee anger arising from perceived unfair treatment. Placing a legal label, such as discrimination or retaliation, on the seeming unfairness occurs afterward.

Supervisors, managers, executives and even human resources staff often engage in behaviors that, unwittingly, lead employees to feel misled, lied to or otherwise unfairly treated. In doing so, they increase the likelihood of litigation. Ten common mistakes increase the likelihood of employee lawsuits and financial exposure. We'll cover five of these mistakes this month and follow-up with the last five mistakes in our July newsletter.

1. Mistake: Forgetting About Training

Workplaces today are busier than ever. Devoting time to management training takes precious hours away from productive, moneymaking endeavors. A company, however, is its managers. *What the managers say and do, the company says and does.* Correct behavior prevents lawsuits. Missteps lead to

you can improve your organization's financial performance.

Coming in June:
Market Your Brand -
What Does That Mean?

True customer engagement can be driven only by brand-conscious employees who are engaged themselves. The encounters that customers have with these people will trump other types of marketing every time. Join Dan Day and Kate Richards, of Brandtender Marketing, for this insightful conversation to learn how impactful your employees are for creating a "branding" experience that will keep customers coming back to you.

Partner Spotlight:

Terese Corey-Blank, fahrenHEIGHT 360
Terese combines her understanding of employers' needs with her deep knowledge of the millennial generation (today's 18- to 28- year olds) in order to bridge the gap between these two groups. Being among the first in the nation to identify topics surrounding this generation, Terese keeps fahrenHEIGHT360 on the forefront of today's entry-level talent issues. For more information, [click here](#).

Karen Turnquist and
Kristin Erickson,

liability. Managers who are not conversant in company policies, and who do not know the basics of setting goals, preparing performance appraisals and proper documentation become the catalyst for lawsuits. Supervisors need training about how to handle difficult situations--what to say, whom to turn to for assistance and what not to do. Failing to provide management training is shortsighted, and with the rise of potential individual liability, unfair to a company's supervisors.

2. Mistake: Disregard Company Policies

Policies establish a company's "rules for the road" for both employees and managers. They set company standards and inform employees of management's expectations. Well-drafted policies, tied to an enterprise's business needs, provide guidance to managers and employees. If followed, policies help ensure consistent treatment of employees. Disregarding policies heightens the potential for inconsistent treatment. It thus increases the risk that employees subjected to harsher action than their co-workers will interpret the discipline they received as unfair or discriminatory. Ignoring policies also sends the message that the employer believes they are unimportant, and gives license to employees to disregard them as well. An employer that fails to follow its policies not only loses the benefit of having them, but it also sets itself up to be portrayed as mismanaged, uncaring and willfully noncompliant with the law.

3. Mistake: Shoot From the Hip

Firing without notice may occasionally be appropriate, but rarely. Acting without fair warning--or rashly or arbitrarily--invites resentment. Employees who feel ambushed may be led to seek their revenge through litigation. Companies can reduce this risk by making employees aware of the probable consequences of misconduct through well-publicized and consistently enforced policies and progressive discipline. Before disciplining an employee, a company should be able to state:

- The legitimate business reason for the action.
- Whether the action is consistent with other disciplinary actions the company has taken in similar situations, and if not, why not.

In addition, employers are usually well advised to give an employee the opportunity to give his or her side of the story before administering discipline. A meeting with the employee often provides a valuable safety valve for both employee and employer.

Often, employees admit the misconduct (or some portion of it). Though unhappy with the discipline levied, employees often may be satisfied with the opportunity to have been heard. Managers need not agree with the employee, and should not argue or apologize. Meeting and listening alone can make employees feel that they have been treated fairly--because, in fact, they have been.

PrinSource Capital
Companies

CEO and co-founder, Karen Turnquist, has been instrumental in developing PrinSource Capital's credit culture and customer service focus. With PrinSource since 1996, Kristin has been instrumental in developing and implementing the marketing and sales strategy, making her a valued advisor to client business. Check out PrinSource.

4. Mistake: Motivate Poor Performers With Raises and Bonuses

The season for annual raises and bonuses brings with it the temptation to give underperforming employees some amount of increase or bonus. Withholding raises and bonuses is a tough decision. We all like to be liked. Withholding raises and bonuses seems contrary to a supervisor's goal of maintaining morale and staff loyalty. Giving undeserved increases, however, does not spur poor performers to improve. Rather, it reinforces poor performance by telling employees that their performance merited an increase or bonus.

Terminating someone on the grounds of poor performance, after years of raises and bonuses (even small ones), creates concrete evidence of inconsistency between what the employer says now versus what it did then. It raises suspicion of ulterior motives for the adverse employment action and provides strong motivation for the employee to consult counsel.

5. Mistake: Criticize the Person

Few jobs lend themselves to purely objective evaluation. Subjective criteria nearly always come into play. The challenge lies in relating performance criticism (and praise) to the job and not the person. Reviews that characterize the employee, rather than evaluating his or her performance, may become evidence of bias and discriminatory stereotyping. IE: Praise an employee for becoming the region's leading sales person in just two months, but not for being "young and enthusiastic." Similarly, criticize an employee for repeatedly failing to meet deadlines, not for being "lazy." Employees may need to "update their skill sets"; they do not, however, constitute "deadwood." To avoid such pitfalls, companies should encourage and assist managers in establishing measurable goals and creating business-related standards against which to evaluate employee performance.

Lead-er-ship

Increasing Your Awareness of Effectively Leading Your Own Ship

"The secret of success is to do the common things uncommonly well."

--John D. Rockefeller

Managers and supervisors can learn from Rockefeller's statement. Make it a priority to understand what your company HR and management practices are asking of you, as the manager. Dig into the details to understand your organization practices well enough that everyday actions, on the part of you interacting with your employees, will never come as a surprise and will encourage the best possible performance. *Best of you*, as well as your employees.

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