

11th Annual Facilities/Operations Director Conference & Expo

Document, Document, Document

Presented By:
Michael Goree
Growth Strategies Consulting, Inc.
517-285-3740
michael@michaelgoree.com
www.growthstrategiesconsulting.com

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Individual's View

- Most people within an organization have an understanding as to:
 - What is rewarded/punished;
 - What is tolerated/ignored;
 - How problems are solved;
 - How the organization deals with change;
 - How the organization will react to events and circumstances both internally and externally

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Legal Issues

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Just the Basics

- Title VII and Elliot-Larson
- Fair Labor Standards Act
- Access to Personnel Files: The Bullard-Plawecki Employee Right To Know Act

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What is a Personnel Record?

- A record kept by the employer that identifies the employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action.

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Why Stress Records vs. Files?

- Personnel record information which was not included in the personnel record but should have been as required by the Act, shall not be used by an employer in a judicial or quasi-judicial proceeding. However, personnel record information which, in the opinion of the judge in a judicial proceeding or in the hearing officer in a quasi-judicial proceeding, was not intentionally excluded in the personnel record, may be used by the employer in the judicial or quasi-judicial proceeding, if the employee agrees or if the employee has been given reasonable time to review the information.

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7 Tests of Just Cause

- Forewarning
- Reasonable Rule
- Investigation
- Fair Investigation
- Adequate Proof and Evidence
- Consistency
- Appropriate Discipline

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Discipline



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Four Cornerstones of Discipline

- Communication
- Consistency
- Documentation
- Procedures

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Root Causes of Conflict

- Denial
- Skills Deficits
- Lack of Information
- Conflicting Interests or Values
- Personality Style
- Scarce Resources
- Organizational Deficiencies
- Selfishness
- Psychopathology
- Evil Intent

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What's the Problem?!



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Analyzing Problems

- Describe the problem
 - specific
 - behaviorally-oriented
- Determine if it's important
- Analyze the cause
 - performance
 - motivation

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Performance Problem

- Ability
- Clear Goals
- Adequate Tools and Support
- Motivation

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Behavior Problems

- Clear expectations
- Understanding of company policies
- Policies consistently enforced
- Stress, work-life imbalance

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Communication Problem

- Lack of clear communication is the basis for:
 - harassment claims
 - disciplinary actions
 - interpersonal conflict

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Documentation →

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Reality

- “More cases are won or lost due to documentation than any other factor”
 - Anne Williams, JD

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Documentation

- Business records
- Complaints
- Communications
- Personnel file information
- Work examples
- Photographs
- Written statements

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Develop A Plan

- Involve the employee
 - Desired outcomes
 - Measures of success
 - Reporting/feedback mechanism
- Implement the plan
- Follow-up
- Revise the plan

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Special People



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Challenging Employees

- Borderline
- Jekyll and Hyde
- The “Truckload of Baggage”
- Personal Problems

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Tackling Terminations

■CYA

- Document, Document, Document
- Avoid Surprises
- Title VII and other Alphabet Soup
- Constructive discharge
