

# Human Resources

By Steve Cronin

## When it is Time to *Dismiss*

### It's the task most business owners and managers dislike the most.

Firing an employee is stressful for individuals and businesses. However, sometimes it's a necessity. And knowing how to do it – and why to do it – can often make the process less painful for all involved while also minimizing the disruption such a significant event can have on a business.

"It's a common thing, but most people are not prepared for it, particularly in this profession," said Bill Ford, president of SESCO Management Consultants. "Funeral professionals get into this profession because they want to provide and

care for families. Most didn't get into the profession so they could own and operate a business and manage employees. So, when you start talking about holding employees accountable, they avoid it."

Nevertheless, not dealing with employee problems when they start just increases the possibility the situation will end in termination, human resources professionals say. The best way to deal with an employee not performing up to standards is by acting early and working to ensure the problem never grows to that point.

"In my mind, the biggest failing is to have an employee who is unsuspecting and then the termination meeting happens," said Mark Jorgensen, president of Global Recruiters of Cincinnati. "If an employee has no idea they were failing to meet goals and expectations, that would be a worst-case scenario."

"Often the final decision is one made out of frustration or follows missed opportunities to curb unwanted behavior or set performance expectations," said Nelson Thulin, a management services consultant with Johnson Consulting Group. "When termination is a reaction rather than a managed resolution to bad behavior or poor performance, it is likely to be mishandled."

Ensuring an employee knows what is expected – and the consequences for not meeting those expectations – starts before they are even hired with the creation of an employee handbook and job description for the position, the experts say.

This is important, no matter what the size of the business, because it provides the tools for judging an employee's performance and outlines the path to follow if those performance goals aren't met, Ford said.

"You can't afford not to have the structure. If you don't, when problems come up, you don't have a basis for conversation. Instead of being about meeting the company's expectations it becomes personal," Ford said.

Because the handbook is a vital business tool, it should be used as such. It shouldn't be left to gather dust in the bottom of a desk drawer somewhere, Thulin said.

"The importance of the handbook goes far beyond its simple delivery. The value lies in understanding it. The handbook should not be a self-study program, but instead taught to all new employees and periodically reviewed with existing employees," Thulin said. "In providing periodic reviews of the handbook for the entire team, it promotes the overall culture and possibly reduces the need for one-on-one corrective action."

If an employee isn't meeting expectations, there should be a meeting, the HR professionals said.

"Often, when we hear from people, they have been allowing the problem to go on until it gets so bad that they say, 'We have to do something.' By allowing the problem to hang around, it infers that you accept it," Ford said.

Allowing a problem to fester also can cause other staff to grow frustrated and demoralized and can pose legal problems when the

decision is finally made to terminate an employee.

"The question then becomes, 'Why are you doing this now?'" Ford said.

When dealing with a problem employee, the assessment has to be made about the cause for the problem – is an employee not capable of doing a job properly, or are they simply refusing to do so, Jorgensen said.

"If they don't have the skills, the question for the funeral home then becomes, 'Do they have the will to improve?' and 'Do I have the resources to provide training?'" Jorgensen said.

In some instances, such as bad-mouthing a family on social media, employees can be dismissed immediately. But in most cases, the HR experts recommend a program of progressive discipline, from discussion, to formal meeting to formal improvement plan with goals to be met and consequences if those goals are not met. In each step of the process, a written record should be kept, the HR professionals said.

"If we don't have documentation, if we can't tell our story, it could be a costly, uphill fight" if the person is fired and contests their dismissal in court, Ford said. "So document, document, document and be able to defend it."

This not only establishes a record of your efforts in case a lawsuit is filed, but seeing things written down also adds a layer of seriousness for the employee, Jorgensen said.

Progressive discipline, however, should seek to move an employee toward improvement and "not simply (be) a methodical approach to eventual termination," Thulin said.

While discussion about a job performance should be held in private, staff is likely to see efforts to train and mentor a co-worker. In many cases, this will work to

improve morale in the workspace, Jorgensen said.

Staff will also appreciate seeing measures taken to correct an employee's egregious behavior, Ford said.

Often, a program of progressive discipline will help get an employee on track to becoming a productive member of the staff. Sometimes, however, the discipline doesn't work and the decision is made to terminate the employee.

"It's probably the most onerous task for any manager or owner, and I don't think most people take any pleasure in it," Jorgensen said.

While dealing with a poorly performing employee can be frustrating, the decision to terminate should be coolly considered.

"If progressive actions are ineffective, the next most common mistake by employers is a product of built-up frustration and concludes by terminating someone in anger," Thulin said.

Preparing for a dismissal meeting should entail "careful thought and preparation" to ensure things run smoothly, Jorgensen said. This is particularly true in smaller firms, which probably don't have a human resources department and the task of telling an employee he or she is dismissed will fall to the owner or operations manager, Ford added.

The preparation should include drafting a dismissal letter and arranging to have someone else in the room to witness the meeting, the experts said.

It is also a good idea to prepare for after the employee learns of the dismissal, to ensure that keys are returned, vital information secured and computer passwords changed.

It is also a good idea to think of what happens after the dismissal. This means having boxes on hand for personal items and someone designated to escort the employee to their desk or office and keep an

eye on them as they pack up their things.

It's important to ensure the person is not left alone and departs the office as soon as possible so they do not take valuable information, such as client lists, vandalize property or create a disruption among other employees.

"You don't like to think of this, but as part of the preparation, you have to consider if there is any risk this person will have a violent reaction to the dismissal and take appropriate steps. You also should consider if this person might be litigious," Jorgensen said. Because of this, the experts recommend the firm consults with an HR professional or attorney before holding the dismissal meeting.

"Seek the advice of a professional with experience in employment law," Thulin said. "Even when the decision is obvious, the proper

actions and the order in which they are carried out may not be obvious."

The actual meeting should be as short and devoid of drama as possible. In some cases, it's a good idea to offer the person the chance to resign before being fired. If they don't take you up on that, then the dismissal should happen immediately.

"Be brief, don't debate and don't argue," is Ford's advice.

After the person is dismissed, it's best to inform staff with a brief note saying the person is no longer employed there.

"It's delicate. You want to protect the privacy of the employee who was terminated. It might be as simple as saying, 'Bill is no longer working here.' A lot of what had happened would be visible to other employees over time," Ford said.

In his experience, Ford said he is

often asked about dismissing a new employee during a probationary period. While most funeral home owners think the probationary period shields them from liability, this is not true, Ford said.

"They can still file a discrimination claim," he said. "Even if you fire someone after one day, they are still covered."

In addition, operating in a state with at-will employment laws is no shield from dismissed employees who claim they were discriminated against, he said.

Because there is so much to consider when dismissing an employee, Ford said he subscribes to the old saying, "Hire slow and fire fast."

"The problem with most funeral directors – what they do is hire real fast," he said. "Then they bring them in and then they take forever to address any problems." •