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Lesson 1 – Time and Attendance

After completing this lesson you will be able to…

- Understand the importance of documenting time and attendance
- Complete the Attendance Calendar
- Understand the basics of FMLA

Absenteeism can have a huge impact on your team. When an employee calls out, other employees are left with the added responsibility. At times, absenteeism is justified however, many times it is not. When absenteeism becomes habitual, the morale of the team suffers. Documenting tardiness and absenteeism is crucial. An employee’s attendance is rated during the performance review process. Additionally, excessive tardiness/absenteeism can be viewed as grounds for termination. In either instance, proper documentation is key to reducing company liability.

At the beginning of each year, HR will provide you with a yearly Attendance Calendar for each employee. This tool should be used to document all attendance issues. The front side of the calendar displays each month along with a list of absence codes. The back side of the calendar allows an area for you to provide pertinent information regarding the absence (ex. Scheduled for 9:00, clocked in at 9:27).

- **Note:** When documenting details on the back of the Attendance Calendar, please DO NOT include any remarks that may be viewed as discriminatory (ex. Employee was out due to pregnancy).

When an employee does not show up at their scheduled shift, insert the appropriate reason code in the corresponding date. Provide details of the event on the reverse side of the calendar.

If an employee is absent for 2 consecutive work days and does not call, they are considered to have voluntarily resigned their position. However, before completing a separation report, attempt to contact with the employee to make sure that there is nothing wrong. You certainly do not want to terminate an employee and later find out that they were hospitalized!
Attendance Calendar (cont.)

Should an employee be terminated for attendance issues, this calendar will be used as documentation in the event the employee files for unemployment compensation or wrongful termination.

- **Note:** A copy of the Attendance Calendar is located on the HR Website within the Management Resources Page as well as in Tab #5 of your Management Onboarding Manual.

FMLA

The Family Medical Leave Act (FMLA) was established in 1993 to provide qualified employees with up to 12 weeks unpaid, job protected leave in a 12 month period. It is the policy of Goodwill of Lower South Carolina that employees must use all sick leave, voucher time, and annual leave prior to be placed into a Leave without Pay status. The paid leave, if any, would be concurrent with the FMLA.

If an employee requests FMLA or states that they will be out for a period of more than 3 days due to a medical or family issue, contact LaShawn Crawford or Will Chisolm in Human Resources (HR). HR will verify whether or not the employee is eligible for FMLA and will work with you to insure all required paperwork is processed according to federal guidelines. It is imperative that HR be notified immediately when you become aware that an employee may be out for more than three days for their own or a family member’s serious illness.

Prior to returning to work after FMLA leave, the employee must provide a completed Medical Condition Report from their Doctor indicating they are able to return.

If it is determined that an employee is not eligible for FMLA or protected under any other federal law, their employment may be terminated. When the employee is able to return to work, they may be eligible for rehire if a position is open.

- **Note:** Copies of the FMLA Notices and Medical Condition Report are located on the HR Website within the Management Resources Page as well as in Tab #6 and Tab #7 of your Management Onboarding Manual.
ADAAA

On September 25, 2008, the President signed the American with Disabilities Act Amendments Act (ADAAA). The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.

The Act makes important changes to the definition of the term “disability” by rejecting the holdings in several Supreme Court decisions and portions of the EEOC’s ADA regulations. The effect of these changes is to make it easier for an individual seeking job protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

The ADAAA went into effect on January 1, 2009. As a result of the changes, it is important that managers seek advice from their District Managers or Director anytime an employee indicates they need an accommodation to perform their job because of an alleged disability. Also, if an employee indicates attendance problems are due to an alleged disability, even if not qualified for FMLA, they may qualify for a “reasonable accommodation” under the new ADAAA. It is the policy of Goodwill of Lower South Carolina that employees who are unable to work because of an FMLA or ADAAA issue must use all sick leave, voucher time, annual leave, and family care leave prior to be placed into a Leave without Pay status. The paid leave, if any, would be concurrent with any absence covered under the ADAAA.

The District Manager or Director will work with Human Resource to insure all required paperwork is processed according to federal guidelines. If an employee is provided an accommodation based upon a documented disability, please provide a copy of the medical documentation and the completed Reasonable Accommodation Form.

If it is determined that an employee is not eligible for ADAAA or protected under any other federal law, their employment may be terminated. When the employee is able to return to work, they may be eligible for rehire if a position is open.

- **Note:** A copy the Reasonable Accommodation Form is located on the HR Website within the Management Resources Page as well as in Tab #7 of your Management Onboarding Manual.
Lesson 2 – Safety and Harassment

Learner Benefits

After completing this lesson you will be able to…

- Understand your role in the Safety Program
- Understand the Accident Reporting Process
- Identify a Critical Incident
- Understand Goodwill’s Harassment Policy

Safety and Worker’s Compensation

For the health and welfare of all employees, Goodwill Industries has developed a ZERO accident culture and an aggressive return to work policy.

In order to maintain an effective safety program, responsibility and accountability must begin at the Top! Your role in a zero accident culture is:

- Support of all Ongoing Safety Initiatives
- Communication
- Accurate Position Descriptions
- Orientation and Ongoing Training
- Hazard Identification and Control

In the event of an on the job injury, the purpose of Goodwill’s return to work policy is:

- To assist the employee in returning to gainful employment
- To Eliminate Wasteful Spending
- To Reduce the Cost of Worker’s Compensation Insurance

How does it work? By:

- Helping the injured worker get back to work at modified temporary jobs that take into consideration physical restrictions, skills, interests and capabilities.
Reporting Injuries

Should an accident occur, immediately take care of the injured employee. After tending to the injured employee, follow the Accident Reporting Process making sure to complete ALL applicable forms.

- **Note:** A copy the Accident Reporting Processing Packet is located on the HR Website within the Management Resources Page as well as in Tab #8 of your Management Onboarding Manual.

Critical Incident Report

Goodwill Industries has a legal and moral obligation to document any incident that may affect the safety and welfare of our program participants.

The Critical Incident report is a tool used to document incidents involving a Program Participant which may or may not result in injury. If the participant is injured on the job, the Accident Packet and the Critical Incident report should both be completed. The following are examples of Critical Incidents:

- Accidental Injury (Occurring outside of work)
- Adverse Event (ex. Loss of residence, automobile accident)
- Alleged Child Abuse
- Alleged Cases of Neglect
- Alleged theft
- Assault
- Attempted Suicide
- Domestic Violence
- Hospitalization
- On the Job Injury (Accident Packet must also be completed)
- Use of or threat to use a Weapon
- Vandalism
- Weapon Possession

Should you (or any member of your staff) witness or be made aware of any such incidents, contact the Employment Specialist immediately!

The Employment Specialist is responsible for completing the Critical Incident Report and notifying their manager and the proper agencies.

- **Note:** A copy the Critical Incident Report is located on the HR Website within the Management Resources Page as well as in Tab #9 of your Management Onboarding Manual.
Harassment
Free Workplace

Goodwill’s Harassment Policy:

- To maintain a productive and comfortable work environment free from bias, harassment or intimidation
  - Includes workplace and any work-related setting outside the workplace
- Retaliation – Any type of retaliation against any individual who reports harassment is a serious violation

Goodwill has a ZERO tolerance for any form of discrimination or harassment!

Harassment Training is included in New Employee Orientation and should be annually as part of the Maintaining A Professional Workforce training.

Your Role

All Managers, Assistants, Leads, and Front Line Supervisors are held accountable for documenting and reporting all forms of alleged discrimination and/or harassment. If an employee reports either to you as a member of management and you fail to respond or “brush it off” without immediately investigating the situation, you may be liable for monetary damages awarded to an employee in the event of a lawsuit! Always partner with your District Manager or Director to ensure allegations are properly handled and documented.
Lesson 3 – Employee Performance

After completing this lesson the student will be able to…

- Utilize the New Employee Checklist
- Evaluate an Employees Performance
- Complete a Payroll Change Notice
- Understand the Transfer Process
- Manage Employee Performance
- Complete Corrective Action Notice

Know Your Employees

Before you can build a strong team and manage performance, you must understand what motivates your team members! In order to know what motivates them, you must know them!

- What are their likes?
- What are their dislikes?
- What are their strengths?
- What are their weaknesses?
- Are they an A or B type personality?
- What is their learning style?
- What is their communication style?

Remember, employees don’t care how much you know, until they know that you care! By really knowing your employees, you can better gauge the team temperature!
If You Don't Listen, Someone Else Will!

Goodwill Industries has an open door policy. As a member of management, it is critical that your employees know that you are available to listen to their concerns, suggestions, wants and needs.

Many employee issues can be addressed and corrected by simply communicating with your employees. If you fail to take this simple approach, you may find that your employees will look elsewhere to resolve their issues (Lawyers, EEOC, SCHAC, Unions). If issues are brought to you that are serious in nature (threats of violence, harassment, discrimination, etc.), you must always partner with your District Manager or Director to ensure the allegations are properly addressed. (Document, Document, Document).

Studies indicate that when employees feel that their issues or concerns are being “brushed off” they are more likely to seek outside “ears” to respond. Not only does this create discontent, but allows for outside agencies or unions organizers to offer promises of fair representation. In the event that you are contacted by an outside agency regarding any employee relations issue, you are not to discuss any issues with outside parties. Immediately contact your District Manager or Director for guidance (Lawyers, Union Representatives, EEOC, etc.).

Goodwill Industries believes in providing fair, equitable and effective means for resolving problems at the earliest opportunity and at the lowest organizational level and to the mutual satisfaction of all parties.

The only way to ensure unnecessary outside influence, is to honor Goodwill’s open door policy and Code of Ethics by treating employees with dignity and respect.

Remember if you do not Listen – Somebody will!
Trust and Confidentiality

The foundation to building a team is trust! As a member of management, you must earn the trust of your team. If you don’t have trust, you don’t have a team. Building trust is not as difficult as it may seem...

- Treat all employees with respect and dignity
- Mentor and coach your employees to reach the next level
- Appreciate and acknowledge good performance
- Address and correct poor performance

One sure fired way to lose the trust of your team is to breach that trust. How? Breaking confidentiality will destroy any organization. All Employees are bound by Goodwill’s Confidentiality policy.

All information and knowledge concerning Goodwill business operations and consumers is confidential. The following policies concerning conflict of interest, non-disclosure and professional conduct detail the expectations of Goodwill.

- Knowledge obtained as a result of employment at Goodwill is privileged and confidential.
- This confidential relationship is between the employee and Goodwill.
- Employees are expected to maintain confidentiality with respect to employee and consumer personnel issues.
- Employees may discuss personnel issues with their Manager, the Vice President or Manager of Human Resources or the CEO; however, they may not discuss confidential personnel issues with other individuals inside or outside Goodwill.
- Any breach of confidentiality will be cause for disciplinary action, up to and including termination of employment.

As a member of management, it is your role to ensure that all employees (yourself included) adhere to the above policy. Any violations of the above policy must be documented and immediately addressed.
| New Employee Checklist | After your new employee has completed NEO, don’t drop the ball there. You must take the time to welcome the new employee to your site. You’ve spent a lot of time and energy finding the right “fit”, do not risk losing the employee because they feel overwhelmed or feel like they don’t belong!

The New Employee checklist will guide you through points that should be covered during this orientation. As you discuss each topic, check it off, and then both of you should sign the form when completed. A copy of this form must be kept in a secured location at the site. It can be used if necessary during the employee’s evaluation periods or if problems should occur in any of the covered areas.

- **Note:** A copy the New Employee Checklist is located on the HR Website within the Management Resources Page as well as in Tab #10 of your Management Onboarding Manual.

| 30.60.90 Day Performance Review | Statistics reveal that a majority of turnover within an organization occurs within the first 90 days of employment.

Studies indicate that having an effective orientation program, clear performance goals and supportive management is critical to retaining employees.

The 30.60.90 Day Performance Review is a tool that will allow you to spend time with your employee reviewing performance goals during these critical 3 months. It also allows the employee to ask questions, clarify assignments and provide suggestions/comments.

Although the use of this form is not mandatory, we strongly recommend you use it as a building block for retaining and developing your employees.

- **Note:** The Employment Specialist in partnership with Management will complete periodic evaluations and time studies (if applicable) for the program participants.

A copy of this form should be kept in a secured location at the site, however, if the employee’s performance warrants attention, a copy may be sent to Human Resources for documentation purposes.

- **Note:** A copy the 30.60.90. Day Evaluation is located on the HR Website within the Management Resources Page as well as in Tab #11 of your Management Onboarding Manual.
Yearly Performance Evaluations

Yearly Performance Evaluations must be completed on or before an employee’s anniversary date. Human Resources will send a report with the names of employees who are due evaluations. Unlike the 30.60.90 day Performance Reviews, all yearly review dates will be entered into the HR system.

An effective performance evaluation should be well thought out and include specific examples of performance. Waiting until the last minute before writing the review is unacceptable. If you have been meeting regularly with your employees, documenting performance issues, maintaining the attendance calendars and keeping track of positive or negative performance the battle is half over! The bottom line is that nothing on the performance evaluation should come as a surprise to the employee if you have been communicating expectations throughout the year!

Below are some tips for planning, writing and delivering an effective performance review:

<table>
<thead>
<tr>
<th>Tip</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Review the employees file and place items in chronological order. This will give you an overview of how the employee has progressed.</td>
</tr>
<tr>
<td>2</td>
<td>Ask other Managers and supervisors for their opinions. If the employee is a program participant, the Employment Specialist will assist you with the completion of the evaluation.</td>
</tr>
<tr>
<td>3</td>
<td>Document each category on the form using: Consistency, Objectivity and Thoroughness.</td>
</tr>
<tr>
<td>4</td>
<td>After writing the review, ask your manager to review it prior to meeting with the employee.</td>
</tr>
<tr>
<td>5</td>
<td>Schedule the review time in advance with the employee. This will allow the employee an opportunity to document areas they may want to discuss.</td>
</tr>
<tr>
<td>6</td>
<td>Select a private place to hold the meeting, free from distractions. Turn off your cell phone!</td>
</tr>
<tr>
<td>7</td>
<td>Encourage participation from the employee. Note any points where you and the employee disagree. For areas of disagreement, be prepared to back up your assessment with specific examples.</td>
</tr>
<tr>
<td>8</td>
<td>Set goals or objectives for your employees to encourage their professional development.</td>
</tr>
<tr>
<td>9</td>
<td>Give the employee the opportunity to note their comments on the evaluation.</td>
</tr>
<tr>
<td>10</td>
<td>Make sure the employee signs and dates the evaluation.</td>
</tr>
</tbody>
</table>
Payroll Change Notice

The Payroll Change Form (PCN) is used to document any change to the employee’s status:

- Department Change
- Job Title
- Pay Rate
- Other (ex. Part Time to Full Time)

If an employee is receiving a change in pay, the reason for the change must be documented and supporting documentation (performance review, application) must accompany the PCN.

- Note: Name and address changes should be documented on the Employee Information Form.
- Note: Copies of the Payroll Change Notice and Employee Information Form are located on the HR Website within the Management Resources Page as well as in Tab #12 and Tab #13 of your Management Onboarding Manual.

Transfers

On occasion, an employee may request a transfer to another location. Employees wishing to remain in the same position but transfer to another location do not have to apply online as this move is considered a “lateral” move. Refer to the following process to ensure a smooth transfer.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The current Manager can check the posting or may contact the Manager at the site the employee is wishing to transfer to (the Receiving Manager) in order to verify that there is a current opening. If there is a position open, the employee should submit their request via the HR Web site.</td>
</tr>
<tr>
<td>2</td>
<td>Both Managers should discuss the employee’s performance (Ex. How is the employee’s attendance? Customer Service Skills? etc.)</td>
</tr>
<tr>
<td>3</td>
<td>The Receiving Manager should schedule an interview with the prospective employee if eligible for transfer.</td>
</tr>
<tr>
<td>4</td>
<td>If the employee is accepted at the new location, the previous Manager will complete and sign the PCN and forward it to the Receiving Manager.</td>
</tr>
<tr>
<td>5</td>
<td>The Receiving Manager will review and sign the PCN acknowledging the transfer.</td>
</tr>
<tr>
<td>6</td>
<td>The Receiving Manager will forward the completed PCN to Human Resources for processing.</td>
</tr>
</tbody>
</table>
**Promotions**

If an employee is wishing to move into another job position (ex. Store Associate to Admin Assistant) or apply for a promotion, they must apply online through the HR Website! If the employee is selected for the position, a Payroll Change Notice should be submitted accompanied by the employee’s online application.

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**Challenging Employees**

Building a solid team is hard work! The key to keeping the team on track is to praise and recognize positive performance and quickly address individual performance issues before they affect the whole team.

Many organizations face the task of having to manage difficult employees. Supervising other people is never easy, and some employees make it particularly difficult.

You must be prepared to deal with workers who complain, goof off, spread rumors, and display anger. These employees often are not productive and can harm the morale of others who have to work with them. It is important to deal with these problem behaviors before they get out of hand.

When you have a disagreement with a difficult employee, the impact can be felt throughout the site. Your difficult worker may ignore your message and make it tough for you to lead and ensure continued productivity if the disagreement spreads and affects other employees.

Why not fire the employee? This might seem like the logical answer, but often it is the most shortsighted approach. You need to consider the time and money needed to recruit, hire, and train replacement workers.

You should also consider the potential unemployment compensation benefits or even a wrongful termination lawsuit. And it is important to keep in mind that firing hurts employee morale!

The first step in managing a difficult employee is to manage yourself and keep your own emotions in check! Here are some issues to keep in mind!

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 <strong>Program Participants.</strong> If the employee is a program participant, notify the Employment Specialist. Together you will address the performance issues.</td>
</tr>
<tr>
<td>2 <strong>Remain in control.</strong> Learning how to relax while under pressure is a great help when dealing with a difficult worker. Let the words “Bite your tongue” be a guide. Remember, your “tone” of voice can further escalate a situation.</td>
</tr>
<tr>
<td>3 <strong>Communicate, Communicate.</strong> Everyone has different personalities and communication styles. The way you communicate to one employee may not work for another. Your job as a Manager is to be able to adapt your style (if necessary) to effectively communicate with every employee.</td>
</tr>
</tbody>
</table>
### Description

<table>
<thead>
<tr>
<th>4</th>
<th><strong>What is your body saying?</strong> Remember. It’s not what you say but how you say it! Employees “listen” to your body language. Facial expressions (rolling eyes, breathing deep, sighing, curling your lip) as well as crossing your arms, tapping your foot, pointing your finger are all indicators that you are not actively engaged.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td><strong>Assess the situation.</strong> Decide what role you may have had in the present difficulty.</td>
</tr>
<tr>
<td>6</td>
<td><strong>Apologize if necessary.</strong> Often, a supervisor who apologizes to an angry worker immediately produces a calming effect.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Decide what can be done.</strong> Take a step back and decide what you can do to help the situation. Often there is some issue that is causing the negative behavior.</td>
</tr>
</tbody>
</table>

### Common Problems: Attitude and Attendance

#### Attitude

Usually the number one problem in an employee’s success or failure is his or her attitude. Many work-related problems all start with attitude.

While you are not expected to be a psychologist, an easy way to help build good attitudes is to start with your own. **Remember to treat everyone with respect.** A sincere thank you goes a long way in helping to develop a positive attitude. Acknowledge any worker who is doing a good job. Give everyone a chance to shine.

#### Attendance

Nothing can be worse for a company than having employees who do not show up for work. It puts more pressure on the employees who are at work, it destroys morale, and it leaves projects unfinished.

If you have an employee who is consistently absent, investigate to find out why. It could be a sick child, parent, or some other family needs that may be covered under the FMLA or the ADAAA. It could also be stress. If the problem is stress, find out what is causing the stress.

If family issues or stress is the problem, you may be able to offer the employee an alternative work schedule (ex. part-time or flexible hours) if business needs permit.

If the attendance problem stems from issues in the employee’s personal life, you might want to suggest counseling through Goodwill’s EAP provider (Family Services 1-866-327-7845). You can still be supportive, but it is not your job to be a counselor to your employees.
Common Problems: Attitude and Attendance (cont.)

If absenteeism is the result of a bad attitude toward the workplace—set out a clear policy on what is unacceptable behavior. Put everything in writing—employ the use of the Corrective Action Notice.

When the employee returns to work, immediately have a meeting to find out why he or she was absent. Remember to involve WFD if the employee is a program participant. Make sure you apply the same rules to everyone.

Responding to Difficult Employees

Use statements that will help to calmly discuss the difficult behavior:

“I’ve noticed that you have been coming to work late over the past couple of weeks. Specifically, on “date” and “date” you were 15 minutes late. Is there something going on that I should be aware of?”

Give specific examples: “In today’s meeting, you displayed a negative attitude towards our goals. Why would you react this way? What message do you think you are sending to your fellow team members?”

Offer suggestions for changing the behavior and be open to the employee’s ideas. If the employee has not been meeting production goals, try to find out why. Determine the reason and offer suggestions to help the employee successfully perform their duties.

Avoid criticizing or judging. Don’t blame or criticize the employee personally. As soon as you get into a blame game, the employee is likely to be personally offended and may either be paralyzed in trying to remedy the situation, or decide that they are not suited for the job.

Stay focused on the subject. Don’t get sidetracked. Don’t show anger or other negative emotions. The employee will normally try to redirect the conversation to someone or something else. Keep the conversation on track and do not discuss other employees.

Be firm. Use statements instead of questions. “You’ve been late to work the last couple of days. Please explain why this is happening.”

Be prepared to negotiate if it is appropriate. Perhaps the employee has issues outside of work effecting performance or attendance. Offer suggestions on how to fix the problem.

State how you can help in carrying out the action plan for improvement. Partnering with an employee to improve performance shows the employee that you are genuine in your desire to see them succeed.

Make short-term agreements. Tell the employee you would like to speak again in a few days or weeks to see how he or she is progressing, and to see if there is anything you might be able to do to help improve performance.

Acknowledge small improvements along the way!
Since South Carolina is an “At Will” state, we do not have a written progressive discipline policy. When dealing with personnel issues (attendance, performance, etc.), the following is a suggested course of action:

- Verbal Warning (Document on Attendance Calendar)
- Written Warning (Document on Corrective Action Notice)
- Suspension: Prior to suspension, consult with your Manager and WFD (if a program participant).

If these measures do not correct the behavior, then consult with your District Manager or Director for possible termination of employment.

Documenting performance issues (absenteeism, improper conduct, etc.) should be completed in a timely manner. Waiting a few days to address these issues may send out the message that you are not in control. Also, waiting to document issues until you have “had enough” is unacceptable. Each issue must be documented separately. By documenting each event, this creates a history of behavior.

The Corrective Action Notice (CAN) is used to document performance issues. When completing the CAN, you must be specific (What, when, where why) as CAN’s become part of the employees official file and may be used as to support a termination or other adverse action at a later time. Using generalities like “Susie was tardy on several occasions” is unacceptable. Using specifics will leave no room for misinterpretation, “On September 4th Susie was tardy for her shift by 20 minutes. This is the third tardy within a 3 week period (see Attendance Calendar and Discipline Reports). I advised Susie on “date” that her tardiness was unacceptable.

When meeting with an employee to discuss performance issues, ALWAYS have a witness present. The witness should be another member of Management. Under NO circumstances, should the witness be the employee’s peer.

After discussing the employee’s performance issue, discuss and document a Plan for Improvement with the employee. This discussion puts ownership on the employee for improving their performance. After issuing the notice, have the employee sign and date the CAN.

If the employee refuses to sign the notice, the witness should note the following on the employee signature line:

“Employee refused to sign.”

The witness should then sign their own name and date the form.
Corrective Action Notice (cont.)

You may keep a copy of all Corrective Action Notices in a secure location on site. All original documents must be submitted to Human Resources.

- **Note:** A copy the Corrective Action Notice is located on the HR Website within the Management Resources Page as well as in Tab #14 of your Management Onboarding Manual.
Lesson 4 – Separations: Voluntary and Involuntary

After completing this lesson you will be able to…

- Identify the 2 types of Separations
- Understand the Right Way to Terminate an Employee

There are two types of separations: Voluntary and Involuntary. Below is a description of each.

- Voluntary Separation: In a Voluntary Separation, the employee initiates the separation. This may be due to several reasons (ex. Better opportunity/pay, returning to school, scheduling conflict). In this type of separation, the employee may or may not give an advanced notice of intent. However, if the employee does give advanced notice, please alert Human Resources so we may begin the separation process (job posting, exit interview, etc.) ASAP.

- Involuntary Separation: This type of separation is commonly referred to as a termination for cause. There are many reasons an employee may be terminated (poor performance, unacceptable behavior, etc.).

Employers have the right to terminate employees for cause. Terminating an employee is never easy. But there’s a right way to terminate employees—and a wrong way—from a legal and management point of view.

What are justifiable, legal reasons for firing? Poor performance, insubordination, attendance/tardiness, violations of company policy, safety and health violations, dishonesty. But you must make sure your real reason for termination does not involve discrimination of any sort.

South Carolina is an At Will state. With employment at will, there is no oral or written contract specifying the duration of the employment. Most employment is considered employment at will. Either party may terminate the relationship for any reason—providing no laws are broken.

Employers must be extremely careful about promises and representations that are made to employees before and during employment. Careless promises
Termination: Overview (cont.)

can place an employer in an undesirable contractual relationship and remove any right it may have had to terminate an employee without cause. Most courts still adhere to the employment-at-will rule in some fashion. In most states, courts say that employment at will exists unless the length of employment is fixed by contract or agreement.

No matter what you base your termination reason on, be sure you treat similarly situated employees the same!

In order to legally protect the agency, as well as yourself, you must first consult your District Manager or Director to ensure all documentation is in order and that no legal rules are being broken.

Federal Fair Employment Laws

Federal and state laws and court rulings limit what you can and can’t do when you terminate workers. Here is an overview of some federal employment laws:

- Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating on the basis of race, color, religion, sex, or national origin. A 1978 amendment prohibits employers from discriminating on the basis of medical condition, including pregnancy.

- Equal Pay Act of 1963 requires employers to pay male and female employees the same pay when their jobs require the same skills, effort, and responsibility.

- Fair Labor Standards Act requires employers to pay a minimum wage as well as overtime for hours worked in excess of 40 per week. The act prohibits employers from disciplining or terminating an employee for making a complaint about wage and hour violations.

- National Labor Relations Act prohibits employers from engaging in unfair labor practices, such as preventing employees from joining unions, filing complaints with the National Labor Relations Board (NLRB), or testifying in an NLRB hearing.

- Occupational Safety and Health Act requires employers to reduce hazards and to improve health and safety programs for workers.

- Age Discrimination in Employment Act prohibits employers from discriminating on the basis of age.

- Employee Retirement Income Security Act prohibits employers from firing employees because of their participation in employee benefit plans.
Federal Fair Employment Laws (cont.)

- Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit employers from discriminating against physically or mentally challenged employees who are otherwise qualified for employment.

Your best defense in supporting a decision to terminate is documentation! Consider the following:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance</td>
<td>Have you consistently used the Attendance Calendar to document the employee’s attendance concerns? Do you have any Employee Disciplinary Reports that prove you have discussed attendance with the employee? Have you given the employee the opportunity to improve their attendance? Did the employee voluntarily resign by not calling or showing up for 2 consecutive work days? Would a 3 day suspension without pay be an option?</td>
</tr>
<tr>
<td>Poor Performance</td>
<td>Do you have Employee Disciplinary Reports that document your previous discussions with the employee? Have you given the employee the opportunity to improve their performance? How have your previously rated the employee’s performance during their performance review? Keep in mind that if an employee’s evaluations have been excellent (at least on paper) for years, it is going to be difficult to justify a termination on the basis of one or two poor ratings.</td>
</tr>
<tr>
<td>Violation of Company Policy</td>
<td>Have you documented the violation? Is the violation of a serious nature? (Did the employee endanger themselves or others?) Does the employee have a clear understanding of the policy?</td>
</tr>
</tbody>
</table>
Emergency Suspensions

If an employee is involved in a physical altercation, becomes violent or appears to be a threat to themselves or other employees, immediately gather any company property, if possible, and instruct the employee to clock out and leave the premises. Do not write them up at that point – just send them home and advise them not to return to work until you contact them. If the employee asks when they can return, you may advise them you will be in touch with them.

You should immediately notify your District Manager or Director and partner with them regarding appropriate action. As always if the incident involves one of our program participants, you must also get in touch with WFD specialist. All suspensions, other than in the case of an emergency (as described above), must be approved through your Director or District Manager.

The Termination Process

To protect yourself and the agency against any potential liability, we have implemented the following termination process.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
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</table>
| 1    | Were the employee’s actions of a serious nature (physical altercation, threatening behavior, etc.)?
|      | • If YES – Follow the Emergency Suspension procedure.  
|      | • If NO – Refer to Step #2 |
| 2    | Is the offense due to theft or any other Loss Prevention issue?  
|      | • If YES – Notify Loss Prevention and the DM or Director. Loss Prevention will investigate and provide a report of findings.  
|      | • If NO – Refer to Step #3. |
| 3    | For all other non-serious offenses: Is the employee a program participant?  
|      | • If YES – Notify the employment specialist and partner with WFD and your DM or Director to determine the proper course of action.  
<p>|      | • If NO – Refer to Step #4. |</p>
<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 4    | Did the employee voluntarily resign or was the employee a No Call No Show for 2 days?  
- If **YES** – For a No Call/No Show, did you attempt to contact the employee? Is there a possibility that the employee has a medical emergency? If you have attempted contact with no return response, the employee is considered to have voluntarily resigned their position. For all resignations, complete a termination report indicating Resignation as the Type of Separation and attach the letter of resignation (if provided) or the Attendance Calendar indicating the dates the employee did not report for work.  
- If **NO** - Refer to Step #5. |
| 5    | For all other situations, partner with the DM or Director to determine the best course of action. There may be alternative corrective action steps that may be taken to avoid terminating an employee.  
If the decision is made to terminate the employee, the DM or Director will advise you to send in the termination paperwork and supporting documentation. Once reviewed, they will notify you that it is okay to schedule the termination meeting. |
Termination Meeting

Human Resources will no longer send employee termination letters. Unless you have reason to believe it is unsafe to do so, you will need to bring the employee in with your witness and advise them of their termination. At that time it is your responsibility to give advise them as to the reason for their termination and provide them with a copy of the complaint resolution procedures. This is not the time to debate the issue. If the employee does not agree, they should follow the complaint resolution procedures.

If the employee refuses to meet with you, you may advise the employee of their termination over the phone with your witness in the room. At that time, advise the employee if they disagree with the decision, they can follow the complaint resolution procedure found within their handbook.

- **Note:** After you have met with the employee, send a confirmation email to HR.

**Suggested email verbiage:**

- **In person meeting** - On (Insert date and time) I, (Your Name) met with (Employee Name) to advise him/her that his/her employment with Goodwill Industries has been terminated. During our meeting, (Employee Name) was given a copy of the complaint resolution procedure. (Insert Witness name) was present as witness.

- **Phone Notification** - On (Insert date and time) I, (Your Name) phoned (Employee Name) to advise him/her that his/her employment with Goodwill Industries has been terminated. I advised (Employee Name) that should he/she disagree with this decision, he/she should follow the complaint resolution procedure as outlined in the employee handbook. (Insert Witness name) was present as witness.

Separation Report

The Separation report is used to document the type of separation and reason for dismissal. Due to time sensitivity, all Separation Reports must be immediately forwarded to HR.

When completing the form, please make sure you include:

- **Start Date:** Employees official start date
- **Last Date Worked:** Last Day employee was present at work
- **Separation Date:** Date employee was terminated (this is not the date the form was filled out)
- **Type of Separation:** Indicate the type of separation. If the employee was absent without notice for 2 consecutive days, the Separation Type will be “Resignation.”
Separation Report (cont.)

- **Reason for Dismissal:** Select the reason for the dismissal. Be sure to include all supporting documentation.

- **Eligible for Rehire?:** If the employee was terminated for cause (absenteeism, violation of company policy) they are not normally eligible for rehire.

- Make sure to sign and date the report!! Forward the report and all supporting documentation to your DM or Director for review. They will then sign and forward to HR ASAP to ensure proper input into the system and compliance with all Federal and State guidelines.

- **Note:** A copy the Separation Report is located on the HR Website within the Management Resources Page as well as in Tab #15 of your Management Onboarding Manual.

**The Bottom Line**

Performance issues are the single biggest challenge today's Managers face. The key is to take the time to address performance problems early and put a plan in place to turn bad performance into good performance. If you ignore, or do not address, bad performance or behavior, you are silently consenting to the performance and/or behavior. Remember – SILENCE IS CONSENT!

Along the way, it is vital that you appreciate your employees. We experience approximately 20,000 individual moments in a waking day. A single moment can define your life forever.

Your role as a Manager is incredibly powerful. You have the power to create defining moments for your employees every day!

Look for moments to acknowledge your employee’s efforts and results. Reinforce those behaviors you want to see more frequently.

Make it a habit to catch them doing something right and reinforce that good behavior often!!