

# Discipline and Termination Law Update

## **How Recent State and Federal Law Developments Impact Your Discipline and Termination Policies: Keeping Rising Liability Risks at Bay**

- *Employer alert—The average jury award in wrongful discharge cases is now \$1,800,000!*
- Discover the latest federal and state cases defining your liability hazards
- Recent statistics showing the increasing risks to employers
- Identifying discipline and termination actions that are fraught with employment law landmines
- How employers are falling victim to the deluge of discrimination and retaliation claims
- Update on employment at will

## **Critical Strategies for Managing Your Most Difficult Employees: Progressive Discipline and Other Performance Management Techniques**

- Recognizing the red flags: Nipping problems in the bud before they blossom into litigation
- Ensuring that your disciplinary actions are lawful: Avoiding the most common discipline debacles
- Examining your options: Progressive discipline and other performance management techniques you can use to curb disciplinary problems
- Improving performance without setting your organization up for a lawsuit: The practical management of progressive discipline policies
- Avoiding the legal snares when disciplining protected-class employees
- What to do when progressive discipline will not work: Understanding the legal grounds for immediate termination
- Best practices for conducting objective performance appraisals and how to write a performance improvement plan
- Coaching, counseling, and disciplining your most difficult employees: How to deal with negative “attitudes” and personality conflicts

## **Training Your Managers to Comply with Policies and the Law: Documentation, Communication, Consistency, and Follow-Up**

- Discover why managers on the front lines can be your greatest liability hazard
- Avoiding the most frequent mistakes managers make that lead to litigation
- Helping managers overcome their fear of honestly evaluating and disciplining employees
- Making sure your managers understand the disastrous consequences of failing to document poor performance fairly and accurately
- Implementing air-tight documentation practices that will protect your organization: How to document employee performance, disciplinary issues, and terminations
- Recent case examples of how documentation can save the day for employers—and how lack of it can bring devastating results
- Techniques to help you minimize the risk of retaliation claims and constructive discharge suits
- Training managers to supervise employees out in the field and in the virtual office

- Ensuring complete communication between all parties involved in the disciplinary process—employees, managers, and HR

### **Responding to Allegations of Workplace Misconduct: How to Conduct Internal Investigations That Will Help You Make Liability-Free Employment Decisions**

- Determining when and how to investigate employee misconduct and deciding who should conduct the investigation
- Discover how the recent passage of amendments to the fair credit reporting act will make investigating incidents of employee misconduct less restrictive
- Staying within the legal boundaries when conducting an investigation
- Examining recent court decisions addressing employer liability and effective investigation issues
- Conducting witness interviews that will help you separate fact from fiction
- Taking precautions when investigating volatile issues in harassment and discrimination cases
- Understanding the rights of both union and nonunion employees to have a representative present during investigative or disciplinary interviews
- Understanding your rights and responsibilities under the employee polygraph protection act
- Gaining access to documentary evidence without stumbling into hidden legal traps
- Walking the tightrope in determining what corrective action to take

### **Disciplining and Terminating Employees with Injuries and Illnesses Without Violating the ADA, FMLA, ERISA, HIPAA, and Workers' Comp Laws**

- What to do when an employee claims that poor performance, attendance issues, or bad attitude are a result of a disability under the ADA
- Understanding your FMLA obligations before terminating an employee for excessive absenteeism
- Ensuring that you are documenting the connection between the absenteeism and job performance
- How to reduce ERISA wrongful discharge claims
- Privacy protection for medical records under HIPAA
- Disciplining an employee who has filed a workers' comp claim

### **Safeguarding Your Organization and Yourself from Costly Liability When Conducting Terminations: Staying Within the Legal Boundaries**

- Determining whether termination is your best or only option
- Carrying out the actual termination meeting: What to say and what not to say
- Why honesty is the best policy when giving reasons for discharge
- Lawfully terminating employees and conducting retirements during periods of downsizing, reductions in force (RIFs), and mergers and acquisitions
- Using separation pay, settlements, and releases to prevent future liability
- Handling the departing employee: protecting company property, competitive issues, and departure procedures
- A checklist for conducting exit interviews that comply with the law and provide you with valuable information

- Managing postdischarge issues: Employee reference requests, unemployment compensation claims, and breach of confidentiality
- How to minimize your risk of personal liability when implementing terminations

**Lessons Learned from Recent Case Studies: HR Best Practices and Lawful Solutions to Your Most Challenging Discipline and Discharge Dilemmas**

- Case Studies