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Cast-Off: When It's Time to Let Go of an Employee

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Castoff: When It's Time to Let Go of an Employee

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Castoff

- "At Will Doctrine"
- Compliance Thresholds
- Specific Employment Laws
- BFOQ Concept
- NAR Guidelines
- Progressive Discipline
- Case Studies



Castoff

- "At Will Doctrine"
 - Either the employee or the employer may terminate the relationship at any time and for any reason, with or without notice.
- Altered by Law
- Altered by Contract



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• Federal Compliance Thresholds

LAW	# of EE's
- Title VII of the Civil Rights Act	15
- American with Disabilities Act	15
- Family and Medical Leave Act	50



Castoff

• Title VII of the Civil Rights Act (15)

- Prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- BFOQ
- Sexual Harassment



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• Americans with Disabilities Act (15)

- Prohibits discrimination against qualified individuals with disabilities with respect to hiring, advancement, discharge, compensation, training and other terms and conditions of employment.
- Requires reasonable accommodation



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- Family and Medical Leave Act (50)
 - Allows eligible employees to take up to 12 weeks off without pay for certain medical or family reasons.



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- State Laws
- County Laws
- City Laws



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- BFOQ
 - Bona Fide Occupational Qualification



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- NAR Employer/Employee Guidelines for Wrongful Termination
 - \$1,000,000 worth of coverage
 - Regular performance review
 - Disciplinary Process
 - Results in Termination



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- Disciplinary Process
 - Verbal Warning
 - Written Warning
 - Probation
 - Suspension
 - Discharge



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- Disciplinary Communication
 - Problem
 - Solution
 - Time Frame
 - Consequences



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- Rules

- Never fire on the spot
- Get all the facts
- Consult your handbook
- Use progressive discipline
- Seek advice
- Evaluate effect on remaining staff
- Keep the termination meeting short but complete



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- One day you come across Rosie, a real estate agent, entertaining the entire office with her best impression of Donald, another real estate agent, who is out in the field. Rosie flips her hair to one side to mimic Donald's comb-over hairdo. Everyone laughs at Rosie's antics and you yourself can't help but chuckle. The next day Ivanka, a secretary, tells Donald about Rosie's impression of him. Donald becomes upset and goes over to Rosie and starts yelling, calling her a fat . . . ! You are convinced Donald crossed the line and give him a written warning for violating the company's Rules of Conduct policy.



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- Should you have given Donald a written warning?
- Should you have given Rosie a written warning?
- Should you have disciplined Ivanka for instigating the confrontation by telling Donald about Rosie's impression?



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- Paris Starwood is a thirty-one year old female who has just been caught sleeping on the job. Paris seems to be out late at night with her friend, Brittany. This is not the first time this has happened but Paris has never been formally disciplined for such behavior. Upon investigating the matter, you learn that Paris is a problem employee who is always complaining about her workload and is rarely on time. You decide it may be best to terminate Paris. However, when you review Paris' file, you discover that she only has "Good" performance reviews and one "Excellent." Tom, your assistant branch manager, has been responsible for employee reviews for the last year.



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- What should you do?
- Do you need to talk with Tom?
- Are there any other issues you need to review?




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- James is an Education Coordinator who has worked at your office for nine years. Recently, James's work has been slow and sometimes he has not completed his assignments. This has been occurring on and off for a month. On April 1, for the third time in the last month, James was unable to work on a course he was assigned. He says he was busy. On June 1, James says to you, "I have too much work to do. I can't finish everything I need to do." You decide to take disciplinary action against James. When you look in James's personnel file, you realize there are no records documenting his past poor performance.



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- What should you do?
- What documentation is needed?



THANK YOU