

The McKenzie Mailer

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WE NEED YOUR INPUT

We are planning out annual seminar for November of this year. In order to make this another successful program, we would like your input on the subjects you would like included

Click here for a quick survey.

LOGO

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Become HR certified
Call Paul Jensen at FCCJ –
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Classes start in September

HR ALERT

The new Overtime Regulations are now in effect. One of the items suggested by the Department of Labor is a safe harbor policy. A sample is available on the McKenzieHR web site.

Click Here to view a sample copy

Employment At Will – What Does It Really Mean?

Simply put the term “employment at will” means that the agreement to pay an individual for work performed is for no specific period of time and can be terminated by any party for any reason at any time with or without notice. This is very straightforward. An employer can terminate an employee if the employer does not like the way the employee combs his hair. At the same time, the employee can stop working for the employer for any one of a number of reasons – or just because he or she does not want to go to work anymore. So why are so many people confused about the term?

The traditional concept of “Employment at Will” is no longer applicable in today’s work world. An employer who relies on the status of an “at will” employer in making termination decisions may be asking for trouble. Such things as the broadening interpretation of discrimination laws, the Family and Medical Leave Act, anti-retaliation laws, whistleblowing and public policy continues to whittle away at the concept. Under current discrimination legislation, everyone is a member of a protected class and, therefore, a potential lawsuit.

Many employers are understandably confused. Others are even paralyzed to act for fear of being called into court to justify the termination of a poor performing employee. The only cost to the employee who makes a complaint of discrimination or retaliation is time, while employers spend an inordinate amount of time and money to defend themselves from these cases. This does not include the public relations nightmares that can occur as a result of these complaints. Once the charge gets into the newspapers, it does not matter if the complaint is justified or not, all the reader sees is that the company has been accused of treating employees unfairly.

These items may help in determining some of your employment practices:

1. Make sure your Employment at Will statement is clearly visible on your applications for employment, offer letters and employee handbook. There will be times when an you will need to use the employment at will standard.
2. Institute a concept of fairness in which an employee is told of performance or attendance deficiencies and expectations for improvement before resorting to termination. Document these discussions.
3. One of the worst things an organization can do is to keep underperforming employees. Aggressively use your introductory periods as well as performance and attendance standards.
4. Make sure you understand your rights and responsibilities with regard to discrimination, harassment, retaliation, medical leave, workers compensation and other employment related regulations. In these instances what you don’t know can, and will hurt you.
5. Call an expert to assist you in these issues.