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# THE KRIZNER GROUP

— AN EMPLOYMENT LAW BOUTIQUE —

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# CHOOSE YOUR OWN LITIGATION ADVENTURE: 2019 EMPLOYMENT LAW COMPLIANCE FOR LEADERSHIP

# **Employee Life Cycle: Wacky Mistakes That Supervisors Make In Hiring!**

**Which of the hiring questions are illegal? Why? Hint: There are 10 of them.**

Tell me about your family.

Do you intend on working here for a minimum of ten years?

Can you do everything listed in the job description?

Is it Ms. or Mrs.?

What assurance do we have that if you move here, you are going to stay?

What is the best book that you have ever read and why?

I notice that you are pregnant and want to be sure you know our leave policy...

That is an interesting accent, where are you from originally?

Has your spouse found a job?

Have you ever been arrested before?

We require that we speak to your current supervisor, will that be a problem?

Do you have any history of workers compensation injuries?

Do you have much experience working with a mostly male staff?

Do you smoke?

How do you relieve stress when you are away from work?

Are there any medical issues that we should be aware of for purposes of our medical insurance?

Why have you been unemployed for 2 years?

# Employee Life Cycle: Wacky Mistakes That Supervisors Make In Deciding Pay!

Which of these people are paid illegally?

<u>Name</u>	<u>Position</u>	<u>Race</u>	<u>Gender</u>	<u>Age</u>	<u>Start Date</u>	<u>Pay</u>	<u>Eval Score</u>
Joe Smith	Receptionist	A/A	M	33	1997	\$10.00	9
Helena Jung	Facilities	W	F	44	1998	\$10.50	8
Fred Ogden	Facilities	A/A	M	32	2003	\$11.00	10
Derron Miller	Facilities	W	M	69	1989	\$ 9.00	7
Kristen Salt	Receptionist	H	F	36	2009	\$12.00	9
Roger Jones	Accounting	A	M	55	2007	\$15.00	9
Sarai Kalifeh	Accounting	A/A	F	31	2008	\$11.00	8
Tay Decker	Facilities	H	M	59	2004	\$11.50	9
Jane Johnson	Receptionist	H	F	43	1995	\$12.00	9
Tish Bernstein	Accounting	W	F	79	2010	\$14.00	n/a

What concerns exist with each of the positions above:

Receptionist : \_\_\_\_\_

Accounting: \_\_\_\_\_

Facilities: \_\_\_\_\_

Common Legal Basis Include...

- Experience
- Tenure
- Documented Performance
- Market Demands At Time Of Hire

**KEY:** The practice of codifying pay basis on Personnel Action Forms (PAF)...

# Employee Life Cycle: Wacky Mistakes That Supervisors Make In Correcting And Evaluating Employee Behavior!

## Quick Evaluation Quiz

1. The critical purpose of annual evaluations is to:
  - (a) Provide the employee with a grade for his/her work
  - (b) Determine whether the employee should receive a raise
  - (c) Provide for a forum where the supervisor and employee can discuss whether the employee is meeting the expectations of the position
  - (d) Ensure that the employee is satisfied and will continue his/her employment
  - (e) All of the above
  
2. Past annual evaluations:
  - (a) Should be thoroughly considered when preparing an annual evaluation
  - (b) Should be ignored when preparing an annual evaluation
  - (c) Should be considered but not relied upon when preparing an annual evaluation
  - (d) Are the most important document when preparing an annual evaluation
  - (e) Both (a) and (d) are correct
  
3. Annual evaluations can subject you to liability.  
True \_\_\_\_\_ False \_\_\_\_\_
  
4. Evaluating supervisors are rarely honest with employee annual evaluations because
  - (a) They do not know whether the employee is truly meeting expectations
  - (b) They are concerned about working alongside the employee over the next year
  - (c) They believe that the annual evaluation may provide a boost to the employee's performance
  - (d) Both (b) and (c) are correct
  
5. Corrective or disciplinary information should not be shared with employees for the first time during an annual evaluation.  
True \_\_\_\_\_ False \_\_\_\_\_
  
6. The most important part of the evaluation is:
  - (a) The actual rating
  - (b) The employee's comments
  - (c) The descriptive explaining the areas in need of improvement
  - (d) The descriptive explaining the employee's accomplishments

# **Employee Life Cycle: Wacky Mistakes That Supervisors Make In Terminating Employees!**

## The Great Termination Myths Revealed

1. There is no chance of liability if I terminate an employee within ninety days of the time that they begin employment.
2. An employer must follow a progressive disciplinary plan before terminating an employee.
3. Well tenured supervisors should be empowered to make termination decisions unilaterally.
4. A personnel action form setting forth the basis for the termination is sufficient legal documentation.
5. It is illegal to postpone the announcement of a termination decision to an employee more than a day.
6. A termination decision must always be announced during an in person meeting.
7. Separation agreements always avoid the chance of liability.