

It's The People . . . stupid (cont'd)

HUMAN-SIDE MANAGEMENT:

Part III: Laws, rules, regulations and other self-imposed restrictions.

In Parts I and II we learned there are three critical functions of people management. First, and foremost, the primary job of managing people is people. Secondly, the manager must manage within the confines of the law, regulations, policy and other self-imposed rules. Finally, it is the responsibility of all managers to devote time and attention to the five historical, traditional, functions of management to the degree such functions are delegated by superiors be they planning, organizing, staffing, directing and controlling or mission, goals, feedback, reward and support.

In turn, we discussed the managing of people and what is involved in managing within the confines of the rules, self imposed or legislated. It is now time to discuss those constraints and how simple it can be to manage people.

What then, are the rules, regulations, and laws under which we must operate? What is the framework of which we speak? How do we operate within the framework of all these seemingly burdensome regulations? It is relatively simple if you know and understand the restraints on management and take the time to do things properly.

Companies large and small have rules and regulations and, for the most part, internal rules and regulations, internal policy and procedures, are self-imposed. Some are published and some are not. So, for whatever it is worth, as a general rule, to properly operate within the restraining framework, review the rules for your business for legalities and then put them in writing. I cannot stress too often that employees have a right to know what is expected of them. That goes for the rules as well.

Handbook

Do you have an employee handbook? Let's make things clear here. You do not need a handbook and, in fact, they can be detrimental. However, if you do have a handbook, content is of utmost importance. Know your audience. A handbook is not your policy manual, although it may contain policy. The handbook is not the book of rules, though it may contain rules. The handbook is not the legal document for all things, though it has been placed in evidence and is an important document in establishing intent of an organization.

The handbook is a simple, readable publication filled with facts and useful information about the company and work environment. Often handbooks are filled with legalese, protecting the backside while making it unreadable to the masses to which it is directed. The handbook represents many things to many people. However, why fill the handbook with information that applies to applicants, for example? How many of you have

information about immigration regulations or reference checking in your handbook? In our opinion, that information is in a pre-hire application packet for job seekers.

Once an applicant is hired, then he or she has a need to know what is expected of them, what is acceptable behavior and how the company operates. Now is the time, during orientations to introduce the handbook, its contents, and company philosophy.

So, what does the handbook contain? Well, first and foremost it contains a *Disclaimer*. The disclaimer is a simple document that tells the employees that they are not under a contract for guaranteed employment. Make it clear any 'probationary' or 'introductory' period does not guarantee employment for a specified period. Once the employee completes the introductory period, make it clear that transfer to 'permanent status' does not mean or should not be construed as 'permanent' employment. Continued employment simply means a continuation of acceptable performance. The disclaimer reiterates the 'employment-at-will' doctrine and so defines it as an employee's right to leave the company at any time without notice and, in turn, lets the company terminate employment for any reason and at any time without notice.

As an aside, the 7th Circuit in Workman v. UPS found the disclaimer in the policy book, if clear and concise, is a complete defense for a breach of contract law suit. According to the court, it is vitally important for the at-will doctrine to be contained in the disclaimer.

Secondly, we suggest a strongly worded reminder that the company policy supports the intent of the law and prohibits harassment and discrimination in any form and at any time . . . that should such behavior be found, immediate termination will result.

Other essential items to be covered in a handbook are as follows:

- Employment-at-will policy
- Equal Employment Opportunity policy
- Drug policy
- Discipline
- Dispute resolution procedure
- Violence in the workplace policy
- FMLA, if applicable
- COBRA, if applicable
- No Solicitation/No Distribution policy
- E-mail/computer use policy

In addition to the above, you can have all the other information you want the employee to know like company history, rules, organization and so on. Just make sure you cover the list. One other word, when policy is cited you don't need to have a copy of the policy. You can simply quote the policy and tell the employee exactly where a full copy of the policy can be found and have it available.

Finally, if you are going to have a handbook, include a signature page whereby the employee acknowledges the receipt of the handbook and acknowledges it is his or her

responsibility to read and understand its contents. Any questions should be directed to the manager. Again, the receipt should be signed by the employee and maintained in the personnel file.

Next, you should review the handbook occasionally and properly distribute revisions to your employees with signature receipts.

Regardless of the presence of a handbook, the policies referred to are essential and need to be conveyed to your employees. In addition, you must train employees in preventing discrimination/harassment and, please, maintain a log of those in attendance. Do you have a reliable source for consultation in employment law or do you have a Human Resources professional well versed and acting in the role of your internal consultant?

All the above is important. To minimize potential problems and to be proactive in heading off employee problems and lawsuits, you should have a formalized method by which you communicate with your employees and have a relatively good method for proof of communications. Once the process is in place, maintaining it is relatively simple.

Another Scenario:

Maybe you are a small company, an entrepreneur, who believes your employees are family. You don't need a bunch of rules; your employees will follow you and do as you ask. When you need to communicate you use the 'grapevine' or you post a notice on a board where you know all the employees can see and read the notice. After all, all your employees can read . . . you're sure! If not, someone else will tell them. After all, they're family. Anyhow, knowing the rules is their responsibility.

You, the entrepreneur/small businessperson, also know you are the source of money and they all come to you for advice on all matters including family. You assume they know who the boss is and 'respect' you for what you represent. You're not just a paycheck. You know their families; their spouses, their kids, and you even sponsor teams with employees' kids. You have an Easter Egg Hunt, a picnic, buy a drink every once in awhile and have a few laughs.

Maybe your shop has and tolerates 'shoptalk' and 'girlie pictures' and these are sources of camaraderie between you and your employees. Perhaps you and your employees 'just understand' each other. After all, you've been operating the business successfully for 'umpteens' years now and nothing is going to change the way you operate. You know how to run your business.

Family or not, if the above reflects in any way the way your company operates, or is your operating philosophy, you and your company may well be in a heap of trouble. In today's litigious society a company is wise to prepare for a worse case scenario.

In small businesses, the paternal/maternal philosophy often works well. But, beware, even family members become disgruntled due to treatment, pay, failure to get a job, or hundreds of other reasons. When times get tough friends, and family, may not see the big picture. Unless the rules are well established and published, you may easily face a challenge you are not prepared to defend.

Company Policy, Procedure, Rules and Regulations

Many companies have company policy and procedures as tools for managing. Those who do not find it difficult to discipline employees for not doing the job because they have no policy, procedure, or rule infraction to fall back on, let alone a trail of documents recording employee performance issues. For the most part companies need to have company policy in written form. Policy establishes the company's intent in matters affecting their business, the law, and their employees. For instance, courts have regularly maintained that a written policy against discrimination and harassment is a primary and essential factor in a defense against such charges. If you have that policy and if it has been conveyed to the employees and, particularly if annual refresher training is held concerning discrimination/harassment, you have an excellent defense against an employee(s) charging you, your company, or your supervisor with discrimination or harassment. Without the policy, without clear communications concerning that policy, your defense is probably dead in the water.

1. Directive Policy

Many companies go one step further beyond the standard policy manual. They have created what is referred to as a Directive. In short, Directives are statements of company policy that are not subject to discussion. They are inviolate. We recommend publishing Directives on red paper. The red color signifies 'Stop!' Compliance with what you are about to read is a 'condition of continued employment.'

Companies protect the Directive at all costs. A Directive is absolute; a Directive cannot be interpreted; a Directive is a statement of company policy that is used only in cases when compliance is not an alternative. Regardless of race, ethnicity, sex, national origins, religion, age, and any other protected classification in your state law, non-compliance with a directive is subject to discharge. Guilt is a dischargeable offense.

In practical matters, are there exceptions? Certainly, but excepting Directive Policy weakens that Directive's effectiveness and places all Directives in doubt. When will we make an exception to another rule, policy or Directive? It must be said that the entrepreneur may be among the biggest offender and the hardest sell on a strong Directive policy. However, Presidents and CEOs are among the biggest supporters of this approach. Why? Because non-compliance with subject matters important enough to be a Directive represents a potential exposure to the finances and good will of the organization. What is the overall cost of not being an equal opportunity employer and having that fact proven in court? What is the cost of letting harassment or discrimination be practiced in your operation even though you have a policy against such behavior?

Well, in many small and medium sized companies noncompliance in matters important enough to be Directives could mean the financial ruin of the company.

As a general rule we recommend a consistent format in writing Directive and Policy. First is a Statement of Policy, a short sentence or two stating the policy. Second is a Need for the Policy, a statement of purpose of why the policy is important. Third, and lastly, is the Administration of the policy, the delegation of responsibility for seeing the policy carried out on behalf of the organization. A sample Directive Policy is shown in Exhibit A.

2. Company Policy

Policy on the other hand is critical to the consistent performance of the organization. However, while Directives are inviolate, policy is a statement of direction and generally subject to interpretation and modification dependent upon the circumstances. While the policy remains the same, the application of policy is a matter of judgment depending on extenuating circumstances evident at the time of interpretation and upon the good judgment of the individual applying the policy. Policy sets guidelines, policy often addresses philosophy, policy is company-wide, and policy establishes procedures.

What? Policy establishes procedure? That is not an absolute. However, if you restrict procedures to authorization by policy you will find fewer policies and certainly fewer procedures. Too many policies and too many procedures make for inconsistent application. If procedures are authorized by company policy and policy is company-wide then policy gives meaning to procedures that are operational, departmental, or functional in application.

Directives are published on red to signify ‘stop’, read before you proceed because your job may depend upon your understanding this Directive. Policy on the other hand is published on paper, not white, that is consistent perhaps with the official company color. It really doesn’t matter. What does matter is that the policy is identifiable as distinct and separate from Directives or Procedures. Let no one make the mistake that Directives are treated as policy or policy is treated as a Directive.

We have all heard management referred to in military terms. Senior management is strategic command, middle management is tactical command, and front-line management is operational command. The same can be said of policy: Directive is strategic, policy is tactical, and procedure is operational.

A sample Policy is provided in Exhibit B. Remember, it is important for Policy to be recognizable as Policy and separate from Directive or Procedure.

3. Procedures

Procedures are localized in nature. Normally published on white paper. Procedures are how do we do what we do and do it consistently. Procedures are quality control.

Procedures are step by step recipes for getting a job done. Procedures arise from authorizing company policy.

For instance, Exhibit B is a sample policy covering No Solicitation on company property. Simply worded it says the company, as a matter of policy, prohibits the solicitation of employees at their workstations and during normally scheduled working hours. Some policy writers believe a good policy includes a paragraph on why there is a need for a policy. In this case, it is because it is in the best interest of the company and its employees in the interest of time and facilities usage.

However well intentioned the policy, we know there is always a civic duty to solicit for United Way or other local benefits. Therefore, you include a sentence stating the policy recognizes and makes exception for community service charities. Once the company acknowledges there may be an exception and so stated in the policy, then the policy requires an administration that normally comes in the nature of a procedure. In this instance, we write a procedure so anyone seeking an exception to solicit fellow employees will know the process for obtaining such exception to policy. Generally, the individual named in a policy as responsible for administration is also the individual responsible for exceptions and, therefore, responsible for writing the procedure.

Any person soliciting an employee during working hours and on company premises, without obtaining permission, is in violation of policy and subject to discipline. I don't think I need to keep reminding the reader, but the person violating the policy can be disciplined regardless of age, sex, creed, national origin, disability, or any other protected class. This is how you manage within the confines of all the rules and regulations

But, to be effective, a policy must be applied consistently. Exceptions should be clearly defined and adhered to, a record maintained listing any and all exceptions previously approved. Any exception granted should be a one-time situation. If exception is made for an annual drive then that exception should become a part of the Policy.

Think about this simple little policy for a moment. You have an employee who is having a church bake sale, one has a daughter selling Girl Scout cookies, another is raising funds for a school worthy project, and so on. Each solicitation takes the time and effort of an employee. It is difficult to say no to these employees for what they consider to be a worthy cause. Meanwhile, the time spent soliciting is time spent away from the job unless your policy says all solicitations must be made on the employee's own time and in areas other than the workstation. How can you say no? Well, if you have a policy forbidding solicitations it is easy to say no. On the other hand, if you permit exceptions, make it necessary for anyone seeking exception to go through a process. We advise you steer clear of religious programs, non-profits, particularly those that may also benefit from the United Way, private and public school programs. You are not being anti anything; you are administering a company policy. Then, if a record is maintained of all exceptions granted for future reference you will see that exceptions are not generally granted. Make your life a little easier with a simply worded Policy and a Procedure that requires some effort to gain an exception.

Managers manage under a set of rules, regulations and laws that are at times arbitrary and flexible. Directives may be arbitrary, but they are never intended to be flexible. Policy and procedure are extremely arbitrary and flexible.

Directives, policies, and procedures are the first of many regulations under which we must manage. They all are of our own making. However, they represent the ideals of the company for which we work. Policy and procedure also represent the first layer of rules under which we ply our talents and the source of most discipline, rules aside.

4. Rules

Very briefly, managers are also responsible for the application of the rules we ourselves establish. Companies large and small list rules to be obeyed by employees. These rules often are endless and therefore mostly unenforceable. The more rules you have the more inconsistency of enforcement, the more exceptions, the more misunderstanding, the more misapplication, and the more screw-ups.

Rules need to be brief and to the point, almost 'no-brainers' in nature. Rules are the way we were raised as kids, knowing the difference between right and wrong. We're not talking Ten Commandments here. We're talking about a set of guidelines that, if obeyed, will not call attention to the employee's other screw-ups. People who break the rules often enough call attention to themselves so that other performance factors come into focus.

Attendance, hours, breaks, drinking, drugs, fighting, cleanup, lunch and the like are why rules are written. To repeat an earlier rule to manage by, let people know what is expected of them. Keep rules logical and simple and your employees will know where they stand, what they can and cannot do, and they will normally keep the rules. You know if we listen to Maslow and McGregor we are lead to believe people work for a reason. Normally, we can assume that that motivation is not to give managers gray hair or to become subject to discipline. At risk of repeating too often, people who know what is expected of them, know how to do the job, and are given the opportunity will perform the job will do so in accordance with your expectations. They may not set the world afire, they may not break all production records, but they will do the job.

Bad employees are usually the result of bad, untrained management. A gross generality? You bet. However, look internally at the bad performers, those who break the rules, and see when the performance turned sour. There is a good chance that unfair expectation, discipline in some form, or under trained supervision under pressure for performance are among the root causes.

The pressure of hiring warm bodies in times of crisis is a source of bad employees sometimes. But, generally speaking, people looking for work want to earn a paycheck and are willing to work for that reward.

You did not hire an individual knowing he or she is a screw up. You did not hire an individual who on the first day of work clocked in telling him or herself their purpose in life is to break all the rules and milk this turkey for all it's worth. I submit to you here and now, bad performers are home grown. We create most of our own employee problems.

In Part 2 we discussed untrained supervision and promoting the best performers from within the organization. Herein lies one of the root causes of bad supervisory performance. Supervisors promoted from within can be good supervisors. However, untrained supervisors, not giving them the tools with which to do their job, not letting them know what is expected of them and how to accomplish that job, will surely fail. And, this failure is to themselves, their family, their employees and the company. All too often we promote good employees from within and expect them to learn the job by osmosis. It's like blessing them for obtaining an exalted position and not letting them in on the secret.

When did a problem employee start giving you headaches? Chances are it wasn't on the first day, probably not the first week or months. It happened sometime after the employee gained a certain familiarization with the job. It happened when he or she reached a point of automatic response in the job and no longer had to think. It happens when employees see what others are getting away with. Good performance turns to bad at some point when an employee is taken for granted; not being paid attention to, or falling into a dissatisfaction for one reason or another.

We are fortunate to have available the works of many behaviorists who have studied management. Their written work about motivation, teams, peers, values systems or goals can be factors in identifying the root cause of problem employees. No author or study I am aware of is the panacea for all our workplace problems. However, knowledge of these works and the ability to draw in some useful tidbit when the situation is appropriate is handy. We will discuss these studies in the next section.

We have now discussed handbooks, directives, policies, procedures, and rules as those things representing constraints to management. What are the others? Let's take a look at the employment/labor laws. In fact, let's look first at the labor law because, in many ways, it is more cut and dried and this writing is not meant to contain all the constraints placed on the manager of people in a union environment. In many respects, managing in a union environment is easier. The laws protecting certain classes remain the same. Only the labor contract may add protected classes (members) and the procedure by which action is taken against infractions of the law, policy, procedure, or labor agreement is dictated by that agreement.

As we approach the law and its effect on our management life, let's make something very clear. The law is universal for all companies that fall within the threshold of each law. It is the law that evens the playing field for all of us to compete. Your knowledge of the law need not be specific when you have others, i.e. lawyers, HR professionals, internal or external consultants whose job it is to know and understand the applications of the law.

We introduce the laws in this format only to refresh your memory of their existence. The discipline you may mete out enforces directives, policy, rules and regulations, and to some extent the law. The most important reminder we can give you about the law is that your actions as a manager come under the scrutiny of the law. Here, we mean that not only discipline but job assignments, those you hire or don't hire, promote, pass over for promotion, or affect change of status must be done within the restrictive confines of the law. For those reasons you, as a manager of people, should have some working awareness of restrictions in the law.

5. Labor law and Collective Bargaining Agreements

The labor law goes back to the Sherman (1890) and Clayton (1914) antitrust acts. However, today we concern ourselves with the National Labor Relations Act, as amended.

For a little history, prior to the enactment of the National Labor Relations Act (NLRA) in 1935, Congress, in 1932, passed the Norris-La Guardia Act establishing the federal government's policy of encouraging collective bargaining. Norris-La Guardia was followed by the National Labor Relations Act of 1935, better known as the Wagner Act. The NLRA was amended in 1947 by the Labor-Management Relations Act or Taft-Hartley and again in 1959 with the passage of the Labor-Management Reporting and Disclosure Act sometimes referred to as the Landrum-Griffin. Together, Wagner, Taft-Hartley and Landrum-Griffin comprise the National Labor Relations Act, as amended.

The labor law is important whether or not you are currently unionized or hope to avoid this inconvenience and interference to your right to manage. For the most part a full discussion of the labor law should be left to your labor attorney or labor relation's representative well versed in the law. I mention it only to tell you that the law is specific as to how you must act in relation to your employees, particularly if and when they start to organize your operation.

As you are probably aware, the act lists unfair labor practices that normally apply to a company, or union, as organizing efforts are taking place. These 'thou shalt nots' address actions a company or union is not supposed to engage in once the first vestige of a campaign has started or is known.

One important item in labor law that restricts the supervisor in non-union companies is the 'concerted activity' provision of the labor law. What is concerted activity? Labor law holds that employees have a right to discuss their wages, hours and other conditions of employment in concert without the threat of discipline. Simply stated, a discussion between two or more employees about their wages, hours or working conditions is protected under the law and is not subject to action by the company as such. Reasonable action may be taken if the discussions are on company time and taking the employee away from his or her job. They may be told to hold their discussions at breaks or after hours or on their own time, but they cannot be disciplined for talking so long as it is

protected subject matter. Again, that is protected under a doctrine of 'concerted activity'.

As to unionized organizations, the rules and regulations under which you must manage are contained in the collective bargaining agreement. It is important to note that no collective bargaining agreement exists that was not approved by your management. Therefore, it sets the wages, hours, and working conditions, among other things, of those you manage. Wages, hours and working conditions are the only negotiable items required by the law. Any thing more is with the blessing of your company.

Most agreements still have a small paragraph in the text referred to as Management's Rights. In general, this says that anything not covered by the Agreement remains the right of management to control without regard to the union. What is left to management is governed by all the restrictive matter previously discussed plus the remainder of the employment laws.

Let's leave the union management to those who need to understand these restrictions by just saying these managers now have rules, Directives, policy, procedures, the National Labor Relations Act, as amended, and national and local collective bargaining agreement by which they must manage.

6. Employment law

Exhibit C lists the federal employment law and its employee threshold for application. Your state has its own version of many of these laws and has most likely added a few of its own. For instance, the Civil Rights Act of 1964 prohibits employment practices that discriminate on the basis of sex, race, color, religion, and national origin. That's it. Where do all the rest of the discrimination charges come from, you ask? Well, the federal government has created some in the form of the ADEA (Age Discrimination in Employment Act), and the ADA (Americans with Disabilities Act) to site a couple of favorites. The point is there are literally hundreds of state and federal laws that protect the rights of your employees.

A manager of people should not be required to carry these around in his or her head at all times just so you will know how to address any threatening situation. That is why you have specialists available in most companies. Entrepreneurs should have their consultant or advisor available to ask questions when in doubt. Many companies with more than 100 employees find it somewhat easy to justify a full-time Human Resources operative to maintain some knowledge of employment law.

Suffice it to say any manager directly responsible for people should know about the discrimination laws and what comprises discrimination. The same holds true for harassment. That manager should be aware of minimum wages, overtime provisions of the Fair Labor Standards Act, exempt/nonexempt status, and in some cases, the child labor provisions. The latter are important to service industries and those hiring

summertime help. In fact, the manager should be aware of most of the laws to the extent he or she knows there is a regulation and needs to ask his professional sources.

There was a highly respected and outspoken Chemistry professor at the University of Indianapolis who taught his students a particularly valuable lesson. He gave an open-book exam to all his students majoring in Chemistry which proved to be the most difficult test they had taken over the four-year curriculum. All was fair; the student could bring any reference material into the exam and was given four-hours to complete the exam. Upon leaving the exam one student complained about the difficulty of the exam and how unfair he thought the exam had been. He told the professor that he never wanted to take another open book exam. It was at that point the real lesson was learned. The professor said, "Once you leave the University, every test you face will be an open book. The knowledge you seek is in the book. All you really need to know is where to find that knowledge". He was so right.

A doctor and a well-known surgeon told a beginning class at medical school that he had anatomy books in his office, the surgery room, hospital locker, his bedroom and bathroom. He said when a question comes to mind about the procedure he is about to perform, regardless of where he is, he has an instant reference available.

And that's the way it is with managers of people. You need to know first there is a question that needs resolution and, second, you need to know where to go to get the question resolved.

Knowledge of employment law should not be the primary concern of the manager of people. Awareness of the law and knowing where to turn when it comes into play is the essential ingredient in managing people within the confines of the law. Leave the specifics to the professionals. Let them guide and direct you in applying the law to your people. Do not be afraid of the law. Don't let the law prevent you from doing your job as a manager. Hopefully, the professional in your company does not operate in fear of the law or law suits.

Discipline

It boils down to managing your people within the parameters of rules and regulations imposed upon the manager by the state and federal governments and the company for which you work. Managing the people under these guidelines also includes discipline. Discipline at its simplest is punishment for not following a set of known rules. As stated earlier, if an employee knows what the job is and what is expected of him or her, if he knows the rules under which he must abide as evidenced by having a copy of the rules, then management has every right to expect that employee to perform the job as directed, expected, and within the confines of the rules. Anything less requires discipline and disciplinary action should fit the crime or better expressed, rule infraction.

Much has been written about the progressive nature of discipline: build a progressive case before you discharge an employee. An outstanding approach if all considerations are equal. However, all things are seldom equal.

Discipline requires judgment. Discipline is based on fact or reasonable belief as a result of investigation. Disciplinary action requires the penalty fit the rule infraction. For instance, if two employees in separate incidents came to work under the influence of alcohol, both had spotless records with no previous disciplines and the facts supported a charge of being under the influence of alcohol (slurred speech, a smell of alcohol about the person and breath, and a staggered walk), would both employees receive the same discipline?

The first discipline in a progressive scheme would be to suspend for the shift without pay and give a warning or a day off as a penalty. What would be your judgment if one employee had 6-months service and the other 5-years? Would both deserve the same penalty? In progressive discipline, probably yes. In judgmental discipline, more consideration would be given to the employee with 5-years of service and a spotless record than the employee with 6-months service and a spotless record. This is also true in more serious infractions of the rules. Discipline based on severity of the infraction, past disciplinary records, and service to the company is better discipline than progressive especially where progression is based on like infractions. However, it requires more documentation. Often in progressive discipline plans, absenteeism and tardiness has its own progression where other infractions of the rules or performance problems have their own progression. You need to ask yourself how many verbal warnings does it take to deserve one written warning?

One of the biggest faults in discipline is giving consideration for an employee over age 40 or because the employee is a female, or minority, or in a protected class. The anti discrimination laws prohibit discrimination in hiring, firing, job assignments, discipline and many other actions of management. We should embrace those laws. Discipline must not discriminate. However, if you treat the protected employee like any other employee, if you discipline for productivity regardless of protected classification, if you administer fair and equitable rules for attendance, if you treat a pregnant employee just like you treat any non pregnant employees, there is no case for a discrimination claim.

Will there be claims? Of course. Discipline is hurtful, we don't like to go home and tell our spouse that we were fired, laid-off, given a disciplinary suspension, or given a verbal or written notice that our work is substandard. It's difficult to believe that the truth is not always forthcoming either in disciplinary hearings or when we go home and tell of our discipline. Often the first words out of one's mouth are that the discipline was due to not being liked, or the supervisor shows favoritism or discrimination, or that the company has always treated this class or that class a little differently. Well, if you have followed the pattern set forth in this writing, those claims will be very hard to prove.

As a manager, if you have been consistent in your discipline, know you have been consistent and do your job regardless of hurt feelings among your workers. Many parents

have told their children as they were growing up, 'only the truth hurts.' As children, when we came home hurt by what others had said about us or accused us wrongly, many of our parents asked if what was said had any truth about it. When we assured them there was not truth in the accusations, we were told to forget about it for only the truth can hurt us.

Management must react the same way. If we know we have our policies, procedures, and rules in place, and if we know we have treated everyone the same and held to the same standards and have in our best effort maintained compliance with the law, then we have nothing to fear.

It is a tough balancing act that begins with supervisory training. It requires commitment and good record keeping.

Conclusion

Managing within the confines of the rules and regulations is not an easy task. It takes commitment. We must know or be aware of the rules, policy, procedures, and laws and be dedicated to maintaining records in good condition.

Managers should also be aware of their employees and what drives and motivates them. If we were to believe some social scientists, money is not necessarily the answer. People work for a reason. Supervisors are the front-line in a company's success. Orienting employees into the department, getting to know them, reading their personnel files to familiarize themselves with the employees life outside the workplace, know if they are married, have children, have hobbies, and if their kids play sports or music. Now and then, talk to your employee about something other than work, quality, or productivity. If you know one of the kids has been sick, ask about the kid and how he or she is doing. If the spouse works, ask how he or she is doing as well. Anything, ask about something other than work. Let your employees know you realize there is a life after work and that it is important to them and you as their supervisor. You might be surprised as to how they will react.

The point is, you expect your employees to work for you about eight-hours a day, they need to get some sleep, six- or seven-hours a day; and the rest of the day is with family, friends or socializing. That makes for a complete person and that's exactly who you want to manage.

Once your employees know you care about them as individuals with the problems associated, either kids, finances, or the like, then they know that when you talk to them about work you are also interested in them as employees. When you discuss work and shortcomings they will listen and react favorably. When the time comes and discipline is in order, they will know you have done your part.

Keep records, don't exaggerate, treat all employees alike regardless, and you will be able to manage within the framework of rules and regulations and do so without the serious threat of a lawsuit.

Next month's Human-side Management update . . .

Part IV: Understanding your people (One-hundred years of study)

Jim Ashcraft

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Exhibit A:

An example of a Directive covering employment:

I. STATEMENT OF POLICY

It is the policy of this company to place the best qualified individual in each available position without regard to race, creed, color, national origin, sex or age.

Accordingly, employees will be assigned, trained, transferred, promoted and compensated on the basis of merit, service and demonstrated ability to continue acceptable performance. Applicants will be recruited and hired in strict compliance with the laws of non-discrimination and according to their ability to perform the duties of the position.

II. NEED FOR A POLICY

The company totally supports the American political, legal and ethical concepts of equal opportunity and believes such ideals are sound business practices that promote effective and efficient operations.

III. ADMINISTRATION

It is the responsibility of every manager to see that this policy is fully and effectively administered and implemented.

The Human Resources office is responsible for implementing and monitoring this policy, for advising, counseling, and guiding hiring efforts, to cite unfair application of the policy, and maintain up-to-date and accurate records of performance against policy.

Exhibit B:

An example of a No Solicitation Policy:

I. STATEMENT OF POLICY

It is the policy of this company to prohibit the solicitation of employees at their workstation and during normally scheduled working hours.

II. NEED OF A POLICY

It is in the best interest of the company and its employees to limit solicitations to the employee's personal time and in common or external areas of the facilities. Exception to this Policy may be approved for recognized and approved community service charity/s.

III. ADMINISTRATION

All managers and department heads are responsible for assuring this Policy is complied with in their respective departments.

Human Resources is responsible for all exceptions to this Policy and for counseling department heads with non-compliance issues.

Exhibit C

Federal Compliance Thresholds

	#ees
Employee Polygraph Protection Act (EPPA)	1
Fair Labor Standards Act (FLSA), including Child labor	1
Family Medical Leave Act (FMLA), public employers	1
Federal new hire reporting requirements (no minimum in law)	1
Immigration Reform and Control Act (IRCA)	1
Occupational Safety and Health Act (OSHA)	1
Unemployment Compensation Law	1
Workers' Compensation Law (Construction)	1
Equal Pay Act	2
Health Insurance Portability and Accountability Act (HIPAA)	2
Workers' Compensation Law (General)	4
Title VII of the Civil Rights Act of 1964	15
Americans with Disabilities Act (ADA)	15
Age Discrimination in Employment Act (ADEA)	20
Consolidated Omnibus Budget Reconciliation Act (COBRA)	20
Family Medical Leave Act (FMLA)	50
Worker Adjustment and Retraining Notification Act (WARN)	100

List is not meant to represent a complete listing of employment law.