

At-Will Termination, It ain't what it used to be

I remember the days when terminating an employee using your at-will status was the way to go. The only real concern when using your at-will was to make sure that you did not go any farther than to say that you are an at-will employer and that you have decided to exercise your rights as such.

At this point you would say “we want to thank you for your time here, here is your check and we wish you the best going forward.”

As long as you did it that way you were good to go, no harm no foul. But that is not really the case today, why, because the California Labor Laws have changed and become more complex. It has never been easier for an employee to start an employee lawsuit than it is today.

I would strongly encourage any disciplinary procedure that you implement to have the following elements to it.

- Accountability make the employee aware that they are accountable not just to you, but to the entire team, and the goals of the team.
- Rehabilitation the purpose to discipline today needs to be more than just how to fire someone and not get into trouble for the termination.
- Meetings, you need to schedule weekly meetings with this employee and use those meetings to go over the goals that you and the employee have set for the purpose of increased productivity

The goal of discipline in the workplace today needs to be more of a problem-solving tool than a termination tool. What you really want is for this employee whom you really wanted to hire in the first place to return to that position of being an asset to you and to the company.

Today's work environment should be different that what it used to be, today you want to have a goal centered, team environment. The workplace needs to function as a well-oiled team. Everyone from the janitor to the owner needs to have goals that they are working on themselves. The individual goals will make it possible for your team to win and thrive in the new world of employment.

- It is no longer enough to say I want to succeed; you must have a dream and then you must have a plan on how you will achieve your goal which is your dream.
- You as the owner must be able to see very clearly how every position that you will have employees for will be a part of your dream.
- You need to share your dream with all of your employees and help them to see what your dream is and you want them to buy into your dream. (The interview process is a major steppingstone in all of the above.)
- Each employee must know their part in the fulfillment of the company dream. Notice I said company dream. Every employee must buy in.
- Next you need to have the employee accountable to meet their goals. Don't wait for the employee to fail to perform for six months because by that time they are frustrated and so are you, and now all you want to do is fire them and they can't wait to be fired so they can check into what it takes to start a lawsuit.

One of the most important tools as employer that you have at your disposal is your hiring process. If you make the right choice in the beginning things will be much easier going forward. I used to have a saying that went something like this, (“I am going to change my people, and if I can’t change my people then I will change my people.”) My point is if you have a good hiring interview process you and your people will have less changes to make, and the company will run smoother and meet the goals that have been established.

Here is to wishing every employer all of the success as you continue to dream your dream and achieve your goals.