

Two More HR Mistakes To Avoid - Human Resources

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Having just touched the tip of the HR iceberg in my recent post let's dive a little deeper. Below are two more common mistakes made by companies and their human resources professionals:

: . Every terminated employee poses the risk of future litigation. Consequently, take steps to preserve crucial evidence. To the extent possible, save all employee voice mails that involve statements of: (1) quitting; (2) insubordination; (3) threats of violence; (4) profanity; and (5) excuses for absences unrelated to any disability (if you terminated the employee for absenteeism). Similarly, print and save screen shots of employees' texts and social media postings, particularly if the contents reveal employee misconduct. Finally, always keep a signed and dated copy of the termination letter, and save the employee's personnel file for at least 3 years.

. When it comes to discussing employment terminations, the less said the better. Never talk with a lawyer representing an employee. Generally, anything you say is evidence that be used against you. For the same reason, don't talk to an employee's family member about their situation – he/she is not the employee. Don't talk with anyone from a government agency unless your lawyer is present. Don't tell individuals who do not have a "need to know" why an employee was terminated; if you can't later prove the reason(s) for the termination you may face a defamation claim. Finally, be careful what you write in emails. Do not: (1) refer to an employee's protected characteristics (such as race, age, gender, sexual orientation, religion, disability, etc.); (2) refer to an employee's threat of a lawsuit; or (3) call the employee derogatory names (including "troublemaker"). Emails can and will be discovered in the course of litigation, and can be highly damaging to your case.*

Navigate around these legal icebergs in order to avoid sinking your case.

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