

# Employment Loss Prevention Check List

- **Hiring Process**
  - Develop an employment application.
  - Require all applicants to complete and sign the application form.
  - Develop and update job descriptions.
  - The interview process must only support questions that are job-related.
  - Exercise caution in reference checking.
  - Provide a written offer of employment.
- **Personnel Policies / Employee Handbooks**
  - Written material should contain a clear disclaimer of any promise of job security.
  - Make it clear that the handbook and other written policies are not intended to be an employment contract.
  - An employment “at-will” statement should be clearly defined, if the employer maintains an at-will employment relationship.
  - Use clear and concise language.
  - Specifically allow for flexibility and modification.
  - Include a handbook acknowledgment form.
  - Periodically review, update and distribute to employees.
  - Be alert of any changes in law that may affect any handbook provisions.
  - All written materials should be reviewed by an attorney.
- **Employee Evaluations**
  - Conduct regularly scheduled performance evaluations.
  - Promote meaningful evaluations to help avoid future surprises.
  - Focus of the evaluation should be a motivation tool.
  - Conduct supervisor training to reinforce familiarity and importance with the evaluation process.
  - All evaluations should be reviewed by another manager to prevent bias.
  - Implement a uniform rating system that is job-related.
  - Give the employee an opportunity to respond to the evaluation.
  - Require supervisors to identify specific performance goals as part of the evaluation process.
- **Disciplinary Action**
  - Properly drafted documentation is critical.
  - Assume that all documentation can end up in the courtroom.
  - Tell the whole story and state expectations for future performance.
  - Clearly state consequences of future violations or not meeting performance expectations.
  - All documentation should be labeled “confidential”.
  - Adhere to disciplinary standards and apply them uniformly; oral warnings, written warnings, suspension and termination.
- **Termination**

- Adopt a well thought out termination policy with a focus on fairness and consistency.
- Respect employee's dignity throughout the termination process.
- Use common sense – “on the spot” decisions/actions do have good outcomes.
- All termination decisions should be reviewed by a single person in the company.
- Post-termination conduct can lead to defamation, emotional distress or deliberate interference with the employee's pursuit to become gainfully employed.

- **Layoffs**

- Document all aspects of the layoff, including criteria used during each phase of the process.
- Reduction goals should be stated in numbers not in savings
- Decision-making should be made by two or more management personnel.
- Assume that all communication regarding the layoff is discoverable.
- Reductions should apply across the board and should not favor certain types of employees.
- Review all handbook, written policies/procedures, employee benefit information and appropriate laws to ensure smooth handling of all issues relating to the layoffs.