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Replace second stringers with starters

Guest Comment
by **Richard G. Vernon**



Any employer whose every worker has the highest level of intellect, experience, skills, training, dedication and cheerfulness may stop reading this column now. If, however, you have some employees you have simply tolerated for years, keep reading.

These are the employees who are not hard workers, have not increased their skills, do not consistently come to work or regularly arrive on time, spend work hours surfing the Web or constantly complain and spread their negativism to co-workers.

They are not necessarily poor performers; they are simply not “peak” performers. They have avoided performance or behavior problems sufficient to warrant termination. In the current economy, however, you may raise the bar for your work force and lower the boom on employees who are not going full-throttle for your business.

The number of laid-off workers in the Washington area provides an opportunity for employers to enhance the overall quality of their work forces by replacing — in sports jargon — second stringers with starters, and perhaps even all-pros, at any level.

Such an approach does have its potential pitfalls, particularly where the negative qualities of certain employees have been tolerated for quite some time. Employers must “trade up” in a manner least likely to generate discrimination or other workplace claims. They should undertake a multistep process before replacing an employee, with appropriate documentation prepared at each step.

The highest level of management should discuss and document the fundamental reasons for a “trading up” program and its goals. Senior management must also consider the legal issues (potential discrimination and other workplace claims) and the practical ones (employee morale) that may arise from the program.

A maximum number or percentage of employees to be replaced may be set, but minimum standards should not be. A significant change in personnel could result in discrimination claims, plummeting morale and, possibly, a union organizing effort by employees frightened by the prospect of termination. The upper limit on employees to be replaced depends on an organization’s weaknesses.

No minimum is warranted because the purpose of the program is to remove people who should be replaced not to require that some employees must be replaced.

Management must establish objective criteria for deciding whether a particular employee is at-risk. Because the employer is dealing with individuals whose performance and behavior have been tolerated up to now, there is likely insufficient documentation to justify immediate termination.

Factors that may be considered as a basis for replacement include: performance evaluations in which an individual’s performance is rated “unsatisfactory” in at least one area or recent discipline for behavior problems.

At-risk employees should be given the opportunity to improve. Each one may be told of the employer’s decision to upgrade its work force and to call attention to employees’ specific areas that need improvement. Each employee should be placed on a written performance improvement plan (PIP) with respect to identified problem areas.

While PIPs are in effect, it is important that anyone responsible for an at-risk employee make a special effort to help the person succeed. It is also important that endangered workers have at least one good “bite at the apple” to improve.

An employer may want to consider extending an employee’s PIP before taking action if the employee has begun to show improvement, even if the upgraded standards have not been fully met.

An employer should also undertake appropriate analyses to confirm that decisions have been made without regard to age or any other protected status.

While at-risk employees are being reviewed, the employer may begin the tentative process of looking for replacements. As a practical matter, an employer will not be able to replace an employee unless there is an available candidate whose credentials are objectively better than those of the at-risk incumbent.

The employer must also be discreet in undertaking this process in order to limit the potential negative impact on employee morale. The use of such devices as blind mailboxes for responses to ads or retention of a third-party recruiter may be needed to shield at-risk employees from these recruitment efforts.

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