

Termination & Just Cause

Thursday, April 14th, 2011
 11:30 am—Doors Open
 11:45am-1:00pm—Lunch & Meeting

Myla Hite, Director of Human Resources, Division of Legal Services for Medicaid Purchasing and Washington State Health Care Authority joins us to bring her knowledge of two critical HR issues.



This program has been approved for 1 (General) recertification credit hour toward PHR, SPHR and GPHR recertification through the HR Certification Institute.

Meeting Cost:

Early payment: \$20.00/members,
 \$25.00/non-members
 At the door: \$30.00/members, \$35.00/
 non-members
 (lunch provided)

Come join us!

Please confirm your attendance
 with Christy Tomlinson by
Wednesday, April 6th at
ctomlinson@cashmerevalleybank.com.

We hope you will join us to meet with and learn from Myla on these two critical employment issues.

VOLUME XV, NO. 4

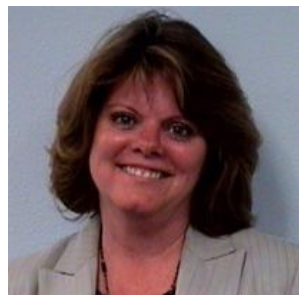
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Termination & Just Cause



Myla Hite is a seasoned management advocate with three decades of experience working in line management, human resources and labor relations. She has over ten years' experience conducting employment investigations plus seven additional years reviewing employment investigations.

As a manager, she has directly investigated 350 employment claims with only two successful challenges. She has extensive experience educating managers in and administering the Just Cause discipline. For example, in 1990 she worked as the Civil Service Administrator for the City of Tacoma and has also worked for the Seattle Police Department as their HR Director. With the advent of Civil Service Reform in 2005, she has been instrumental in developing tools used within the State of Washington and spear-heading agency consolidation efforts.

Just Cause Discipline

In an attempt to capture the existing common law definition of just cause, seven independent questions were formed which over time ended up as the "seven tests." Just Cause is a principle that applies to correcting and disciplining employees in today's workforce. Due process is given by using the just cause principles when progressively disciplining in a labor environment. You'll walk away with an in-depth knowledge of the seven tests, progressive discipline, and how to prepare for arbitration.

When: Thursday, April 14th, 2011
11:30 a.m. Doors Open
11:45 a.m. – 1:00 p.m. Lunch & Meeting

Where: Confluence Technology Center
285 Technology Center Way

Cost: Mail your payment to be received by Friday, April 8th for reduced cost of \$20.00/members, \$25.00/non-members (lunch provided). Submit payment to: AVHRA, P.O. Box 4489, Wenatchee, WA 98807-4489.

Pay at the door for cost of \$30.00/members, \$35.00/non-members.



Please confirm your attendance with Christy Tomlinson at 662-5071 or email at ctomlinson@cashmerevalleybank.com by Wednesday, April 6th. For more program information, visit our website at www.avhra.org

You're Invited to a Dynamic HR Event

Coming to Seattle on April 26th, 2011

[Register now](#) for a complimentary one-day HR seminar that will propel your department into the next decade.

To register, go to: www.ultimatesoftware.com/AVHRA

Interactive HR Workshop: Essential Strategies from Industry Leaders in an Era of Change

April 26, 2011

9:30 a.m. - 3:30 p.m.

The Seattle Marriott Waterfront

Created specifically with human resource leaders in mind and presented by HR executives at top local companies, this workshop will provide you with step-by-step instructions, focus on issues of peak concern to the HR industry, and supply concrete, practical advice to use immediately in your own HR department.

[Sign up now](#) for this **no-cost event** that is pending approval for SPHR, PHR, and GPHR recertification credits through the HR Certification Institute and recertification credit hours through the American Payroll Association. This is the HR event you'll be talking about for weeks.

"After attending many industry workshops/seminars, **I can honestly say this is the BEST!** Professional, first-class, brilliant, engaging."
-- Penny Salomon, HR manager, *Strategic Benefit Solutions*

"This was an opportunity to **network and bring my team** for external learning."
-- Monica Rivera, district HR manager, *The Home Depot*

"The presenters were awesome and shared practical, **useful info in HR language!**"
-- Angela Hill, director of HR, *Highway Technologies*

To register, go to: www.ultimatesoftware.com/AVHRA

Difficult Situations

- Stories from senior HR professionals -

Due to time constraints on our March program, not all of our expert panelists were able to share a difficult scenario from their career. To accommodate each panelist and member requests, we have compiled scenarios of those unable to share. Enjoy!

After 34 years it is difficult to think of just one. I think one of the hardest things to do is to terminate the employment of an employee who has a great attitude, gets along with everyone, and is trying very hard to succeed but is a bad fit for the job. All you can do is explain why, that we think they are a wonderful employee in so many ways but that we can't lower the performance expectations for them; it's not fair to the others. Emphasis can be put on the positive reference you will give, that you are to blame as well for putting them in the job, that it's a business decision that has to be made, and not at all a reflection of their worth as a person.

- Alan Patterson

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Difficult Situations

- Stories from senior HR professionals -

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One of our difficult employee situations was the well known "bad attitude". We had an employee who was extremely talented with a hard to find skilled talent; however, this employee felt entitled to frequently bad-mouth co-workers and management – to the point where we had employees requesting transfers out of the area. Management and HR spoke with this employee on multiple occasions advising why what they were doing was extremely detrimental to the overall success and team work of the area and company. Each time the employee would apologize and state that they were just expressing their opinion and promised it would not happen again. The employee would improve for a while and eventually we would be having the same discussion. The problem with these talks is that they usually happened days or weeks after the actual occurrence when "rumor" or another employee would finally say something. The final occurrence happened in front of a lead who reported it instantly – the employee was called in to discuss the behavior with the manager and HR – since days had not taken place between the actual incident and confronting the behavior the employee did not have time to compose themselves. Management witnessed first hand the strong opinions and the attitude in which they were being voiced. It was determined at that time that it was no longer in the best interest of the company to continue their employment.

It is never easy to terminate an employee, especially one who has difficult skills to replace, but we as a company learned it truly is much more difficult to keep them employed. All the employees in the area stepped up to replace the lost skills. Not one employee had all the skills of the past employee, but we soon learned that several employees had pieces of those skills and together they united and we completed tasks without missing a beat. The employees were not glad to see their co-worker leave but several of them voiced gratitude in not having to continue to tolerate the verbal outbursts.

- Melissa Wear-Grimm

There have been a few situations that have risen to a "most difficult" level. The one I will share is our 1999 layoff of 65 employees. As a result of a loss of funding we needed to reduce our service level and cut staff. This amounted to nearly 50% of our staff. Some of the choices were more difficult than others. We laid-off our bargaining unit employees based on seniority as our collective bargaining agreement prescribed. I want to say, however, that just because you have a contract with language that defines how layoffs will happen, it does nothing to address the emotional and personal impacts that must be faced when changing someone's life.

The non bargaining unit was very difficult. We went through a process with our managers of defining what functions were essential, necessary and desirable. We began laying off positions that were desirable but not necessary, necessary but not critical, etc. In one situation we had seven supervisors. After cutting service and staff we only needed four of those positions. Almost all of them had been with the organization for the same amount of time and none had any disciplinary records. We decided that they would all need to go through a competitive process for the four remaining positions.

Long story short – the impact to the individuals and to the organization was huge. If you are faced with this situation I would recommend communicating information as soon as possible, working with outside resources such as WorkSource and the unemployment folks. We had many workshops and communication sessions trying to lessen the blow of a loss of such a large part of our organization. The impacts of a layoff last for years.

- Lynn Bourton



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Apple Valley Human Resource Association

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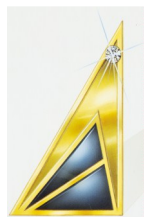
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