

HANDICAPPED RESOURCE ASSOCIATION, INC.
GUIDE TO HIRING AND DISCHARGING EMPLOYEES

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The second most difficult decision a person can make is the decision that hires another person as an employee. In the Client Managed Attendant Services Program, the CLIENT is the employer and the ATTENDANT is the employee.

The most difficult decision a person can make is to discharge (or, in common terms-FIRE) someone. It is said that this is the most difficult decision because we would all like to be treated with consideration and respect and, accordingly, we must therefore render those same feelings to those we affect.

If we hired someone to do a job it was with the full intention and belief that that person could do the job, that they wanted to do the job and we wanted them to do it.

In order not to have to discharge someone it helps to hire someone who is physically and mentally capable to do what is required. Therefore, before hiring anyone for a job, the job must be defined and the physical, mental and your personal requirements spelled out. Physical requirements are usually the easier to determine. An office worker would not need great physical strength and a minimum of mobility to move about. An attendant on the other hand requires an array of other physical requirements. The strength to lift heavy loads, patience, understanding, honesty and dependability would be requirements. Determine the obvious difference in your requirements.

Once the physical requirements have been determined, then the more difficult process of evaluating and objectively stating your requirements and the mental requirements begins. This is much more difficult to determine than physical requirements because not all knowledge and skill can be measured by formal education or previous experience. Although these two areas are important indicators of a person's ability, they are by no means complete.

The interview is used to help evaluate a person's capabilities. Poor job performance is usually a result of one of three things - the person is not capable of doing the job because of physical or mental deficiency. This should not happen if you did your job correctly in selecting the employee. However, if this should happen (and it happens to the best of us) the employee should be given proper notice and an explanation. This discharge is without prejudice and is not a result of misconduct. If the person was covered by Texas Employment Commission Insurance, they would be eligible to collect what is called unemployment benefits. You will be responsible to complete an attendant evaluation with the reason for discharge.

Guide to Hiring and Discharging Employees (Cont).

Another reason a person might not perform well is that they never understood what they were supposed to do. It is the employer's (Client's) responsibility to inform, train, or educate each employee as to what that person's job requirements are, the level of acceptable performance, and the methods that will be used to evaluate the employee's performance. The employer's failure to do this could result in the employee's poor performance and subsequent discharge. Again this employee would be entitled to unemployment benefits. The employer did not meet his obligation to the employee by informing him/her of what was expected.

The last reason is that the employee has the ability to do the work, has been told what to do, and then just doesn't perform. This is misconduct. This employee will not be eligible for unemployment benefits. Discharging one and proving that they just wouldn't work is not easy.

Like everything else that may damage someone else, you must be able to prove that the employee would not work. Proof usually consists of written and verbal reprimands, counseling sessions, corrections given to the employee, or any other communication where the employer related to the employee what is expected, the minimum standard of performance, and the employer's concern that the employee is not working at an acceptable level. Although it is not realistic to give each type of employee a written communication, verbal ones are just as effective. Your HRA office should be contacted for assistance needed with attendant problems.

How many times must you counsel with an attendant before firing? That depends on the circumstances. Someone who violates a basic safety policy may need no previous reprimands. Another person that is usually late, or slow, may need to be given several warnings and adequate time to improve themselves.

Being the boss carries more responsibility than most people think. The employer has many obligations to the employee and sometimes they may appear more numerous than the employee's obligation to the employer. Contact your HRA office for any additional information and/or training assistance needed.

HIRING GUIDELINES**Potential Employee Screening:**

The first contact with a prospective applicant should be used to determine his or her basic background and potential for employment (usually telephone response and contact). During the conversation there should be an open exchange of basic information including what services will be needed.

Procedure:

1. Determine the applicant's experience and general availability.
2. Explain briefly what services are needed, where and at what times.
3. Determine whether the applicant should be considered for employment.
If the answer is "No", the individual should be told and the procedure should end.
4. If it appears that the caller has adequate qualifications, schedule an interview, enter his/her name, address and phone number on an appointment calendar. (Schedule your appointments for interviews so you may be prompt, and you may also determine your applicants promptness and dependability).
5. Make sure the new employee understands what he must do and what he may not do.

Interview:

Thorough and effective interviewing will save significant time in the future as it enhances the screening out of potential problem employees or those individuals whose availability does not fit your needs.

Procedure:

1. This is also an excellent opportunity to establish rapport with potential employees.
2. Discuss the type of work in relation to job qualifications and location.
3. Review with the applicant any health information that is to be considered in employment and that might affect his/her work performance.
4. The applicant should be talking about 70-80% of the time in an interview. Employers who dominate the meetings usually make poor selections of employees.

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Hiring Guidelines (Cont).

Suggestions for Open Ended Questions

1. How far do you live from here?
2. Would you have any problem getting to work and/or coming back in the evening hours if needed?
3. What days and hours are you available to work?
4. Are there any days you definitely can't work - week-ends, holidays, school vacations, family plans, etc.?
5. What kind of work have you done previously?
6. Have you ever worked with physically disabled?
7. Describe physical tasks that are necessary. Ask if there is any reason the tasks requested may cause them harm or injury. Determine if reasonable accommodation can be made to prevent injury.
8. What personal tasks would you object to performing for the opposite sex - cleaning soiled (incontinent bowel or bladder) clothing, bedding, etc., bathing, shaving or inserting a suppository?
9. Specify training or experience in lifting, transferring and positioning?
10. Describe your attitude and/or ability to work in a situation that requires patience, tolerance and understanding?
11. Describe your experience and/or ability to handle feeding problems, excessive drooling, slow speech or poor hearing (ad any significant problems).
12. What kind of work are you best at doing?
13. Evaluate yourself in relation to the position open:
 Strengths _____ Weakness _____

Questions You're Not Allowed to Ask Female Applicants

Problem: Federal law prohibits asking female applicants whether their family life might interfere with their jobs.

Illegal Questions:

1. Does your husband object to you doing this type of work?
2. Can you arrange for your children's care and still work the hours required?

What You Can Safely Ask:

1. Are there any personal considerations that would prevent you from doing the job or working the designated hours?

Important:

Take careful notes to protect against legal action in case the applicant fails to live up to her/his answers on personal consideration.

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Hiring Guidelines (Cont).

Spotting Workers Who Won't Last

Turnover is greatest among workers who:

- Commute over an hour.
- Held three or more jobs in the previous five years.
- Were fired or laid off from their previous job.
- Are either young and single or divorced.
- Were referred by friends or co-workers.

Turnover is greater for men, and men are fired more often.

Curing the Chronically Late

Some workers are persistently late arriving at work, getting to meetings, meeting deadlines and returning telephone calls. Basically, these chronically late employees are rebellious.

What they are doing: They want to determine the routine of their own lives, and resent the controls placed on them by business regulations and their supervisors.

They show their rebellion by adopting a passive, indirect method. They do what is demanded, but very slowly. These employees spend enormous amounts of time figuring out ways of circumventing systems of control. As a result, the usual correctives such as reprimands and confrontations often fail to work.

What to do:

- Make sure the chronically late employees work can be done within the allotted time and with the available resources.
- If the lateness pattern continues, confront the employee. Convey in no uncertain terms the importance that being on time has to your activities of daily living. Negotiate limits to which he is willing to commit himself. Then hold him to them.
- If the worker continues to rebel by being late, he is not temperamentally suited for work in a supervised situation. Try him on a free lance basis.
- If he can't or won't work independently and continues flouting the time tables, let him go.

Warning An Employee About Possible Dismissal

- Encourage employees to do most of the talking. Only that way will they reveal the true reasons behind the misconduct.
- Look for compromises when the dispute involves a real difference of opinion.

Hiring Guidelines (cont).

How To Discharge People

Firing does not get easier with practice. Some Consolation: Employees usually expect it by the time it is necessary. Most will understand your position.

Basics:

- Do it in person. The person being discharged deserves to hear the painful news from the employer (the Client - his/her supervisor). This is a situation where a surrogate just does not do.
- Do not drag it out. Start off by stating the facts with an air of finality: "John, I have to tell you I won't be needing your services anymore."
- Be super tactful. Give the employee some truthful explanation that he or she can live with.
- Watch your comments to other attendants. If you cannot say something nice don't say anything at all. Chances are there will still be social contacts between current and dismissed employees.
- Analyze what went wrong. Ask what led to hiring the wrong person in the first place and what can be done to prevent the same thing from happening again.
- Complete the attendant evaluation form with a brief comment regarding the reason for terminating the attendant and submit the form to your supervisor with the final attendants timesheet.
- Contact your supervisor for a substitute attendant and/or other arrangements needed for your care.