



The SESCO Report

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Your "Human" Resource Since 1945

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Number One Goal for 2024 Reduce Employment Liability

As employers are continued to be targeted by federal and state government agencies and attorneys, it behooves all employers, no matter how many employees, to ensure effective human resource systems to reduce employment liability. Employment liability in terms of fines, penalties, settlements, back wages and attorney fees continues to be the number one (1) financial liability for all employers no matter the industry or state.

Based on SESCO's 78-year history in assisting employers in preventing employment liability as well as defending employers before federal and state agencies and attorneys, the following are recommendations to meet your 2024 goal of reducing employment liability.

1. Effective and Compliant Employee Handbook-

Most employers have implemented an employee handbook. **However, when our attorneys review client handbooks, a significant majority are out of date.** This includes not only being non-compliant but also not being an effective communications tool.

We strongly recommend that you "dust" off your employee handbook and have a SESCO attorney conduct a thorough review with a follow-up report of suggestions. The employee handbook is the cornerstone of the employer-employee

relationship and is your first priority in reducing employment liability.

If you do not have an employee handbook, get one. SESCO staff prepares hundreds of handbooks annually and this service is a major part of our offerings.

SESCO retainer clients receive a free handbook review annually.

2. Conduct an Employment Law Audit-

One of SESCO's primary services is assisting our clients in ensuring compliance with federal and state employment regulations. SESCO's proven employment law audit will identify any liability associated with managing your human resources and in complying in federal and state employment regulations.

The audit covers wage and hour, EEO, FMLA, ADA, Immigration, personnel forms and files, employment documentation and other areas. All audits are followed up with a thorough, written report with SESCO recommendations. Email SESCO for a free copy of our audit checklist.

This audit can be conducted on or offsite. **For SESCO retainer clients there is no charge.** The only charge would be for an onsite audit and that charge would be travel expenses at cost.

3. Train All Managers-

Once an issue or concern reaches top management, the owner or HR's desk, it may be too late. It is critical that all managers, even front-line supervisors, understand the basics of employment regulations and the do's and don'ts.

Most employment liability is created by an inappropriate discussion, ignoring an issue, or handling an issue inappropriately, by supervisors. It is not intentional

but, simply, managers do not understand the basics.

This training can be conducted on or offsite with **SESCO retainer clients receiving the training at no cost**, less travel expenses if conducted onsite. The intent of the training is not to make experts out of managers but to simply inform them so they will know when to come to leadership and/or HR.

"Hello Jamie:

I have been meaning to set aside some time to send this short follow up email.

For a third year in a row, I am pleased to report on the fantastic results that we have had associated with the training sessions that you presented on 10/26 and 11/9.

We had approximately 90 managers participate in the live sessions that you conducted on those dates, and we have already incorporated the recorded sessions into our newly hired or promoted manager onboarding process.

As expected, both Chris and Paula (our HR Generalists) and I have seen an increase in telephone calls and emails asking questions on how to respond to many of the situations that your covered in our trainings.

I have always believed that you cannot "make" people reach out and ask for your assistance, but you can demonstrate the value of your assistance to the front-line manager. If you can do that, then you may have earned their trust and confidence in you – and then they will reach out.

Thanks once again for helping to educate our managers and to reinforce a culture of support to all of our staff.

Have a wonderful Thanksgiving holiday!"

~ David B. Elliott, Jr., MBA, SPHR, SHRM-SCP, Vice President, Human Resources -- LLE Education Group

Inside This Issue

Number One Goal for 2024: Reduce Employment Liability.....	1
Appeasement is Never an Option.....	2
SESCO's Exclusive Professional Service Agreement.....	2
To Minimize Wrongful Discharges Involving Challenges to the Employment-At-Will Doctrine...	3
Termination-for-Cause Checklist.....	3
Merry Christmas and Happy Holidays!	4

Appeasement is NEVER an Option



Appeasement, the policy or leadership decision of granting concessions to maintain peace is **never a legitimate option in managing your most valued asset -- your employees.**

Whether it be:

- Addressing poor behavior
- Dealing with poor performance
- Enforcing policy
- Fighting unionization
- Conducting labor negotiations

Appeasement has no place in any business!

Employees expect fairness and consistency above all else. You may not be the highest payer in town nor have the best benefits, but certainly you can develop a pro-employee culture where employees want to work. Appeasing issues as noted above is not understood by employees. Employers cannot afford mediocre or poor behavior through appeasement as, number one, your labor costs are your largest single controllable costs, and your employees' morale is your most valued asset.

Paying full rate to someone who is not worthy of the opportunity is a poor financial decision. It also brings down employees' morale and creates a culture of frustration due to inconsistency and perceived "favoritism."

Well, "we need the warm body." "We can't find good employees." Appeasing poor behavior and/or performance **only makes things worse and more costly in the end.**

To help avoid appeasement, develop key systems such as an employee handbook and job descriptions/performance expectations and stand behind them 100%!

SESCO's Exclusive Professional Service Agreement

Our founder, Dr. J.W.R. Lawson, Sr., developed in the 1940's a "retainer program" or what SESCO calls our **exclusive professional service agreement** to provide our valued clients an easy and very cost effective way to contact labor, employment law and HR professionals.

The ideology behind the program was to allow clients to call SESCO professionals without any concern of being billed by the "1/4 hour" (nowadays 30 minutes to 1 hour minimums by many attorneys). As such, there is no reason why a client should not contact SESCO to discuss an issue, a question or a need to **prevent labor and employment issues.**

This exclusive professional service agreement has been expanded to provide a number of services, again at **no additional charge.** SESCO's gold service level **provides the following services under one (1) monthly fee:**

- **4 Flex Consulting Hours:** Clients have four (4) hours annually to use for onsite or virtual human resource and employment law compliance assessment, leadership training, required harassment training, or for other services that we provide. Clients may also apply the hours toward billable services to reduce project fee quotation.
- **Unlimited telephone and email consulting:** Our staff of certified consultants and labor law attorneys

are available to discuss any human resource or employment law matters to include follow-up documentation.

- **Employee Handbook Review:** This review is conducted by our employment attorneys with follow-up report providing SESCO recommendations for improvement and compliance.
- **Two free sets federal and state compliance posters,** less shipping.
- **Free SESCO HR forms and compliance publications.** These will be provided in pdf format.
- **Newsletters and Email Updates:** *The SESCO Report* and SESCO Weekly Updates will continue to be provided by email. Should you wish to receive hard copies, we are happy to provide those via USPS.
- **Reduced Project Fees:** Clients will receive **reduced fees (15%)** on requested project work or services outside of those provided under the monthly Service Agreement as noted above.

Contact SESCO to discuss this professional service agreement which will be customized to your need and size of organization. Know that SESCO is retained by clients in all 50 states and in all industries and professions. We welcome the opportunity to serve you and provide you nationally recognized expertise and reduced time and fees paid to outsiders.

SESCO Client Feedback

"Greetings, thank you all for the continued and fast responses. Truly appreciated." ~ Dennis J. Empson, Manager, Human Resources -- EURO-COMPOSITES Corp.

"I just wanted to reach out and thank the Chamber for an excellent presentation this morning from Mr. Ford. He did an outstanding job and it was time well spent. We have been to a number of presentations and seminars and this one really was First Class. We appreciate what the Chamber does for the community and appreciate the coordination of outstanding topics and speakers." ~ Melanie Gooch CPA PC

"Bill, thank you for your time in putting on this presentation for our clients. It was very informative and helpful in a world of ever changing rules." ~ David Barrowclough -- Time & Pay

To Minimize Wrongful Discharges Involving Challenges to the Employment-At-Will Doctrine



The following procedures are recommended as steps that employers can take to help minimize their liability in case of wrongful discharge and/or discrimination claims:

- Review recruiting materials, advertisements, employment applications and brochures, to avoid using words creating an implied "permanent" employment.
- Train personnel staff to avoid pre-hire interview procedures which overstate job security or advancement opportunities.
- Review employee handbooks and personnel policy manuals often to ensure that policies reflect actual practice.
- Use language in all handbooks and manuals that clearly states employment is on an "at-will" basis.
- Refine employee evaluation systems to ensure honest and accurate appraisals of employee performance.
- Utilize progressive disciplinary procedures to warn employees of unsatisfactory performance and to provide them with an opportunity to correct deficiencies.
- Prepare written reasons for an employee's termination. After thoroughly discussing and explaining them, provide the employee the opportunity to review, comment, and sign the termination notice.
- Avoid spur-of-the-moment terminations when emotions are running high by requiring at least one other supervisor or the personnel manager to participate in and/or review each discharge.
- Be consistent in applying disciplinary and termination procedures. Avoid disparate treatment of employees in similar circumstances by appointing one senior officer to review all terminations.
- Make sure the exit interview deals with any and all questions the employee may have.

Termination-for-Cause Checklist

When an employee continues not to pay attention to rules and disciplinary action, where an offense is repeated, or misconduct is serious enough for discharge on the first offense, decisive action must be taken. To help guide you through this area, we suggest you stop and review very carefully the following checklist, before any employee is ever terminated. As your employees are your company's most valuable assets, ask yourself these questions, before you discharge an employee:

1. Is the company policy, which has been violated, a reasonable one?
2. Has the company policy or rule been properly communicated to the employee?
3. Have I been objective and treated this employee the same as another would be treated for the same offense?
4. Have I accumulated all of the facts accurately?
5. If it is a repeated offense, has the employee been properly reprimanded in the past and have written corrections been issued?
6. Is the employee guilty by his/her own actions or by association with another employee?
7. Am I taking action against the employee because he/she has "challenged my authority"?
8. Does the punishment fit the offense?
9. Have I considered the employee's past disciplinary record and his length of service?
10. Was the employee's guilt supported by direct objective evidence, as opposed to just suspicion?
11. Has a top management official reviewed the facts and approved the discharge?
12. Should I try for a "voluntary resignation" instead of firing the individual?
13. Will the termination be a surprise to the employee? If yes, repeat discipline process.
14. Should I suspend employee first, to review all facts?

Remember, this recommended checklist is not very helpful after a discharge. If there is any question about facts or reasons for discharge, suspend the employee instead of firing, during an investigation of the facts.

Special Thanks to New SESCO Clients!

Little Falls Auto Service
Little Falls, NJ

New Mexico Coalition of Sexual Assault Programs, Inc.
Albuquerque, NM

Bando USA
Bowling Green, KY

Wolf Hills Fabricators, LLC
Abingdon, VA



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RETURN SERVICE REQUESTED

*Merry Christmas
&
Happy Holidays*

The SESCO staff wishes all of our valued clients and partners happiness and peace during this most important time of the year.

SESCO is so blessed to have the opportunity to serve business and industry and we are very grateful for not only this opportunity, but also the close friendships we have developed with our clients and partners over these many, many years of serving.

Please know that the SESCO team is dedicated to continuing our expertise and professional service. We will continue to develop our consulting systems and educate our staff to provide the latest and most effective advice and systems.

A special thank you to all of our SESCO staff for their commitment to providing the best of service in our profession.

Most sincerely,

William E. Fred