

Abusive Discharge

1. If you must discharge an employee, do it in private, and only after you have cleared the decision with higher management. Stop back and look at your move objectively. Could it be labeled in any way "abusive."?
2. Management personnel with a need to know should have a full understanding of why this employee was terminated. This information should not be shared with other employees under any circumstances.
3. Never attempt to use an employee's termination as an example for you department. Courts see it as an additional punishment and have translated their displeasure into hefty financial settlements for invasion of privacy or defamation.
4. If you receive a request for a reference from another company, turn it over to Personnel. Under no conditions should you discuss the reason for a termination unless you have cleared it with Personnel.
5. Be aware of other privacy areas that can be the subject of abusive discharge suits. The major issued include:
 - a. The kinds of information you can obtain and the methods you use to obtain it.
 - b. Making sure the personal information you keep on file is current, accurate and pertinent to the job.
 - c. What information you should disclose to other parties, such as prospective employees.
 - d. Informing your employees about the types of information you keep on file and how you use it. This can help make sure your files are accurate, complete and timely.
 - e. Limiting internal use of personal information.
 - f. Limiting external disclosure without the employee's (or ex-employee's) authorization.

Company Policy

Discipline and Employee Privacy Policy

The supervisor is responsible for monitoring the performance and conduct of assigned personnel and keeping them informed of their status. Additionally, the supervisor is responsible for identifying, documenting and attempting to correct problem situations.

The supervisor should take action as soon as he has knowledge of performance or conduct problems. Inaction is equivalent to condoning the situation and can make future disciplinary action ineffective. The following factors should be considered before a discipline is considered:

- Objective, factual, job-related nature of the problem
- Prior performance and conduct
- Period of time since last misconduct or deficient performance
- Extenuating circumstances
- Length of service