

SIX PROVEN TACTICS TO HELP AVOID THE “TICKING TIME BOMB” EMPLOYEE

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Each new headline in the news describing the latest workplace violence tragedy reminds managers and human resources executives of their tremendous responsibilities in attempting to help prevent such senseless acts.

These reports also underscore a chilling new vision of the workplace, founded on the premise that some degree of violence may be random, and therefore unpredictable. But even though such acts can be hard to predict and no preventative step is foolproof, HR and other managers can indeed take effective steps to help safeguard their workplaces from the next “ticking time bomb” employee.

The “ticking time bomb” employee might lead to dissatisfied patients and customers, unhappy co-workers, costly litigation, workplace violence, or in some cases, all of the above. Whatever form an explosion takes, its effects can be devastating. So, as usual, prevention represents the best protection.

Simple Steps Can Save Substantial Grief

In the vast majority of cases, employees who visit misery upon a workplace share some common characteristics. Through effective training and screening, you can identify a large percentage of high-risk applicants and legally avoid hiring them. This process obviously begins early, but it continues throughout an employee’s tenure. As discussed below, six simple steps and fundamental practices can help avoid considerable pain.

1. Don’t Hire The ‘Walking Lawsuit’

The first phase of this framework can best be described as:

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“don’t hire the walking lawsuit.” Troubled workers share characteristics that you can often identify. Therefore, begin the screening by insisting that every applicant complete an application form, with no exceptions.

Even if the candidate attaches a résumé, you should insist that your company’s form application be thoroughly completed. That means responding legibly to every question. You should not accept a response of “see résumé.” If an applicant does not follow instructions at this phase of the process, how likely will the applicant perform at your standards after six months of employment?

After obtaining the completed application, read it...carefully. This self-evident step too often receives short shrift. After problems arise, it is surprising how often predictors of troublesome behavior were dangled in front of the employer – but ignored – on the application form.

You should carefully evaluate the candidate’s education and especially work history. Focus on dates of employment and reasons for leaving prior jobs, particularly when the explanations seem vague. Do not hesitate to ask for explanations of the oft-cited but important “gaps” in employment dates.

Explanations may be perfectly legitimate or they may reveal problems or inconsistencies. Pay attention to the applicant’s body language and mannerisms when dealing with these questions. If a problem exists, this represents a perfect opportunity to identify it.

2. Screen Applicants Thoroughly

Next, do not be afraid to ask about an applicant’s criminal history, if relevant to the job. In many cases, it will be. Of course, make sure to explain that a conviction will not necessarily exclude an applicant from consideration, and perform the appropriate factual analysis as it relates to the job in question.

You should also conduct background checks to verify information that the applicant provides, ensuring you comply with the Fair Credit Reporting Act where applicable. Seek explanations for discrepancies.

Consider having more than one person interview applicants and ask questions that will reveal how the applicants view their prior work experiences and employers. What did they

like best about their last job and last supervisor? What did they like least, and why? Which policies of their previous employers did they disagree with? Be alert for “victim-like” responses and keep in mind that the applicants’ responses are often an accurate predictor of what they are likely to say about their next employer – which could be you.

Unless there is a specific reason to take another approach, you should require candidates to submit to drug tests before finalizing your hiring decision. Make sure your drug-testing policy is up-to-date and in compliance with all applicable laws. Keep in mind that drug-abusers are more likely to seek employment at companies that do not test applicants or employees.

3. Affirmatively Welcome And Support New Employees

When employment begins, continue a programmatic approach to supporting the success of new employees. Assign a mentor, make job expectations clear, provide feedback (both good and bad), and do not ignore signs of problems. Among adult employees, troublesome conduct rarely improves on its own.

You should also consider conducting at least for-cause drug-testing among all employees when reasonable suspicion is aroused, and assess whether random testing will help support your company’s goals. You should offer an employee assistance program (EAP) to help those who test positive or who may be facing other life challenges.

Adopt a zero-tolerance policy for workplace violence, which encompasses threats and even so-called “jokes” about violence or weapons. Jokes about violence have no place in today’s workplace.

Perhaps most importantly, you should enforce your performance expectations in a constructive way. It is important to recognize that employees do not respond well to surprises, so setting expectations and consistently enforcing them goes a long way toward supporting a productive and safe workplace culture.

If clear expectations exist from the beginning of an employee’s tenure with your workforce, it improves everyone’s chances of success. You should also establish an anonymous hotline that employees can use to report concerns of misconduct or policy violations, if they do not

feel comfortable expressing their concerns directly to HR or other leaders.

4. Prepare To Deal With Potential Problems

Inevitably, problems will develop, so it is best to be proactive and begin planning for trouble now. You should provide training for every employee during orientation and again periodically throughout their service with you, in the form of live training sessions, computerized-based learning modules, postings on bulletin boards and the company intranet, and regularly published newsletters.

During these sessions, remind your employees of company security policies and procedures. You might also consider conducting mock emergency or disaster drills, so that everyone knows what to do in the event of an emergency. Ensure that company leaders demonstrate that they take workplace safety seriously.

You should confirm your employees know their role and responsibilities in maintaining a harassment and violence-free workplace, which includes following established procedures regarding confidentiality and security. You should convey and support the premise that the company will not tolerate retaliation against anyone who reports a concern of discrimination, harassment, improper conduct, or threat of violence.

Make it plain in your written policies and training sessions that the company would rather err on the side of caution, fair play, and safety than to ignore warning signs of possible problems.

5. Handle All Terminations With Dignity And Respect

When employees leave, do everything reasonably possible to ensure that they exit with dignity, even in the case of involuntary terminations for misconduct. Treat departing employees the way you would want to be treated in such a situation. Make sure you offer the employee your undivided attention during the termination meeting, and ensure that you are in a private setting where you will not be interrupted.

Think through all aspects of the termination ahead of time, including what time of day you will conduct the meeting to spare embarrassment and best protect company interests. Finally, you should conduct exit interviews where practical to gather information about the workplace, using the

feedback to improve processes or address troubling situations.

6. Control Responses To Inquiries About Former Employees

Once departed, you should ensure that only authorized persons in the HR department respond to requests for employment verification and/or references about your former employees. Think through and carefully plan, within the confines of company policy, precisely what information to provide in response to the inevitable inquiries.

During this process, keep in mind not only state laws that relate to the good faith provision of employment references, but also laws regarding defamation and negligent referral. In many cases, you may conclude that providing only dates of employment, job title, and last rate of pay (sometimes referred to as “name, rank, and serial number”) may be the most prudent way to respond to reference requests.

This is because the concept of negligent referral, for example, can mean that once a former employer provides more than this basic information, doing so may trigger a duty to provide information about any dangerous propensities about which the employer is aware. In other words, if you reveal that a former employee was terminated for a policy violation, you may have a legal duty to disclose the alleged violent conduct that was the underlying reason for the termination.

Unfortunately, some warning signs that seem glaring in retrospect might seem subjective in the eyes of the former employer when they are responding to a reference request. Thus, HR professionals still often find themselves in a legal minefield, where the former employer’s safest approach is to provide the barest of information to prospective future employers.

The foregoing reality illustrates why all other steps described above are so important. Even though reference checks and employment verifications are important tools, prospective employers cannot rely on them exclusively, as they may not reveal the full totality of information you would want to have when making a hiring decision.

It All Adds Up To A Safer Workplace

In the end, some bad apples will probably still be hired, and some will have to be terminated. But all of the tools

referenced above will help you manage these situations more effectively and protect you after the termination.

When a separation is especially difficult or emotional, you should err on the side of prevention while protecting the departing employee's dignity and confidentiality as much as possible. As always, the first priority should be workplace security. This may include employing extra security for a period of time after the separation, depending upon the facts and circumstances.

While no set of safeguards can guarantee a workplace that is entirely free from threats posed by disgruntled employees, the foregoing practices can reduce risks considerably and ensure that the workplace is well-prepared if and when an incident occurs.

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