

FAQS ABOUT SKIP-LEVEL MEETINGS: A CRITICAL MANAGEMENT TOOL

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It is never good to put off dealing with a problem employee. Whether it is misconduct, poor performance, or simply an attitude that impairs your team's ability to work together well, the time to act is now. Waiting to act puts your organization at risk that the employee will engage in some sort of protected conduct that could "immunize" them from discipline. Claims of retaliation are growing every day and are particularly problematic because an employee who has an invalid underlying complaint plus a retaliation claim can still actually win the retaliation part of the case while losing on the underlying complaint.

The list of protected conduct grows every time there is a new employment statute or regulation; here are just a few examples of the types of conduct that are protected: making a harassment or discrimination complaint; bringing a demand for unpaid overtime; taking FLMA leave; filing a workers' compensation claim; etc. The list is almost endless. Of course, you may still need to discipline the employee shortly following the protected conduct, but be ready to prove why you chose to act now and not weeks or months earlier when you learned about the problems.

TROUBLES AT UNIONIZED AND NON-UNIONIZED COMPANIES ALIKE

Failing to promptly deal with a problem employee creates additional risk when the employee is a supervisor or lead person. In addition to the risks of retaliation claims by the employee as described above, an employer can be guilty of an unfair labor practice when it fires an unpopular supervisor or lead person – whether you are a unionized

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company or not – thanks to a recent decision by the National Labor Relations Board (NLRB). In *ImageFIRST vs. Food Service Joint Board*, the NLRB held for the first time that if it believes that you fired an unpopular supervisor with no recent misconduct in order to discourage union activity, that would be unfair labor practice—even if the firing took place before a union filed a petition for an election. While the NLRB would have no power to order you to rehire the supervisor, it could make an official finding that you committed an unfair labor practice (ULP), leading to other problems for your organization.

The bottom line is that virtually all employers are at risk of union organizing activity at any time, and failing to deal with problem supervisors immediately puts you at risk. The risk is a real Catch-22: the bad supervisor alienates employees who then reach out to a union; when the company then terminates the supervisor, the union files a ULP against the company for firing an unpopular supervisor in order to discourage union activity.

How can top management effectively find out how supervisors are doing and therefore be able to deal with those who are ineffective, incompetent, or misbehaving? In addition to personal observations of supervisors, there are various metrics that can be helpful: for example, turnover rate, high performer resignation rate, absence rate, or promotions actioned are all possible data points to examine. The use of employee survey responses can also be helpful. One often overlooked tool is the skip-level meeting. Here are a series of Frequently Asked Questions about this valuable management process.

WHAT IS A SKIP-LEVEL MEETING?

It is simply a meeting where a high-level executive meets directly with employees who are more than one step down the chain of command, without the employees' immediate supervisor present. These can be one-on-one or small group meetings.

WHAT SHOULD WE AVOID WITH SKIP-LEVEL MEETINGS?

Skip-level meetings are to solicit feedback; they are not for spying on supervisors or to dig up dirt.

WHAT KIND OF FEEDBACK SHOULD WE SEEK?

Finding out how the supervisors or managers are doing is just one of several good reasons to have skip-level meetings. The meeting may also yield employee insights that will help to improve communication and trust and highlight possible dysfunction and workload issues.

WHAT OTHER BENEFITS COULD RESULT FROM SKIP-LEVEL MEETINGS?

The meetings can help restore trust and employee engagement. Top management can also get a good picture of what is happening down in the trenches. The very fact that a high-level executive is taking time to meet will show how much the company values all employees.

WHAT STEPS SHOULD WE TAKE TO IMPLEMENT SKIP-LEVEL MEETINGS?

There is a simple four-step plan to execute in order to hold effective skip-level meetings at your organization:

- 1. Obtain Buy-In From Supervisors And Managers** – Many managers, without knowing more, will feel threatened or undermined if they learn that top management wants to collect information about them from their employees. However, most supervisors will react well if you approach them and tell them something like this: *"We have been working on ways to better build relationships, get the pulse of our organization, and understand our employees' point of view. One technique we will use is occasionally holding skip-level meetings with your team. Of course, we will share with you any patterns or common feedback that is relevant to you. But remember that these meetings are to help everyone at the company be more effective. We are not trying to second guess you or undermine your leadership."*
- 2. Plan The Meeting Format** – Will they be one-on-one or small groups? For group meetings, will they be held over a breakfast or lunch or some other time? How many other management representatives will be present? What kind of icebreakers will be used to explain the purpose of the meeting and make employees comfortable? The formulation of the proper questions to ask in skip-level meetings can be tricky; seek the assistance of your labor and employment law attorney before finalizing them. How will notes of feedback and next steps be kept during the

meeting – flip chart, pen and paper, laptop? Will a (short) written survey be included at the end? What type of follow-up will be promised?

3. **Develop A Workable Schedule** – It is best to have meetings on some regular schedule. The frequency will depend on the number of employees to be covered and the time available to executives. If the meetings are to be in small groups, how are the attendees to be selected and will there be different groups each time?
4. **Follow Through** – Some feedback from employees should be met with this question: *"Have you discussed this with your manager?"* If the answer is no, the follow-up question, *"Why not?"* will many times provide very helpful additional feedback. If good suggestions for improving procedures are received in the meeting, it is essential for the supervisor to be involved before any changes are made. And of course a critical part of the follow-up is for top management to take steps to coach and, if necessary and if appropriate under all of the circumstances, take more drastic action to correct the behavior of supervisors.

WRAPPING UP

This article presents a general outline of the benefits and process for holding skip-level meetings. Because a good employee relations program has many different parts that should work together, you should seek the assistance of your labor and employment law attorney when making specific plans for implementing a program that includes skip-level meetings.

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