



DISCIPLINE AND TERMINATION

ON YOUR TEAM

The best defense is a good offense. It is true in sports, and it is true when defending employment discrimination and wrongful termination lawsuits. The lawyers in Barnes & Thornburg's Labor & Employment Department have significant experience in counseling employers on how to effectively manage their workforce. We take a holistic approach to discipline and discharge - beginning with how to effectively manage employee performance, working through how to effectively discipline employees and advising employers on how to terminate employees fairly and with dignity.

Performance Management

Effective workforce management begins with performance management. We counsel our clients in the following areas of performance management:

- Development of performance evaluation systems
- Documentation of performance issues
- Training of supervisors and managers to effectively manage employees

Employee Discipline

As all employers know, at times it is necessary to discipline employees for performance and conduct issues. We work with employers to put in place effective measures to deal with these issues before they arise, which helps ensure that discipline is applied uniformly. In particular, we counsel employers on:

Termination

Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

RELATED PRACTICES

Labor and Employment

- Development of effective performance improvement plans
- Progressive discipline policies and implementation
- Attendance policies
- Documentation of discipline issues
- Uniform application of discipline
- How to avoid the appearance of discrimination when disciplining employees

Terminating an employee - even a poor performer - is one of the most difficult jobs that managers and human resources managers face. It also is the one decision that is most likely to be challenged. We work with employers to assess risks and to implement a system to minimize the risks associated with terminations. We advise employers on:

- Development of an internal review process to ensure the propriety (and fairness) of termination decisions
- Assessment of risks and how to avoid them (including whether and how much to document)
- How to handle the termination meeting

Your successes are our successes, and we think that shows because we love what we do. In all instances, we approach discipline and termination decisions by asking: -What outcome would you like to see-- Working with the human resource professionals or inside counsel to achieve that result leads to helping the company reduce the associated risk.