



Moser Law Co.

How to Handle Problem Employees

Ted Solley, Moser Law Co.

&

Justine Thompson Cowan, PBPA

October 22, 2020

Mission of Pro Bono Partnership of Atlanta:

- *To provide free legal assistance to community-based nonprofits that serve low-income or disadvantaged individuals. We match eligible organizations with volunteer lawyers from the leading corporations and law firms in Atlanta who can assist nonprofits with their business law matters.*

Pro Bono Partnership of Atlanta Eligibility & Other Information

- In order to be a client of PBPA, an organization must:
 - ✓ Be a 501(c)(3) nonprofit.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.

- Free resources for Georgia nonprofits available [online](#):
 - ✓ Podcasts, Articles & Webcasts
 - ✓ Information about free upcoming events

- Join our mailing list by emailing rla@pbpatl.org

Legal Information:

- ✓ This webinar presents general guidelines for Georgia nonprofit organizations and should not be construed as legal advice. Always consult an attorney to address your particular situation.

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PERSPECTIVES: STARTING THE DISCUSSION

What is a “Problem Employee”?

- Performance Problems
 - Attendance, work product, communications, etc.
- Personal Issues (family medical, etc.)
- Discriminating, Harassing, or Annoying
 - Not just disruptive but negatively impacting colleagues and creating legal risk
- “Whistleblower”
 - OSHA, ACA, Tax
 - Retaliation risk even if the complaint is not “protected activity”

Real Life Examples

Do's and Don'ts

- Do consider legal implications
 - E.g., Title VII, FMLA, ADA, ADEA
 - The retaliation trap
- Don't get paralyzed thinking about legal risk
 - Don't ignore the situation (festering = bad)
 - Legal is just one piece in creative problem solving

Do's and Don'ts (Cont'd)

- Do think practically
 - Risk assessment: reputational, financial, operational
 - “Fish or cut bait”
- Do document your process
- Don't email or text

Action Items

- Listen
- Communicate expectations
 - ✓ Confirm those expectations in writing
 - ✓ Set deadlines
- Establish Consequences
- Work through company policies/procedures
- Make decisions

Outreach

- When should I reach out for help?
- When should I reach out to an attorney?
- When do I involve the Board of Directors?
- What about other constituents – funders, staff, the public we serve?

Lessons Learned:
An ounce of prevention

Justine's List of Lessons Learned

- ✓ **Prioritize HR** – HR is *more important* than your programs and fundraising!
- ✓ Be deliberate: mentoring and training (including for you!)
- ✓ Be organized: adopt necessary policies and procedures
 - Employment Manual, program-related policies, etc.
- ✓ Define roles: board, staff, etc.
 - job descriptions, periodic staff evaluations, board policies and training
- ✓ Be thoughtful: hire slowly – leave positions open until you find the “right” person

Ted's List of Lessons Learned

- ✓ Rite of passage: you can do everything right and still have problems
- ✓ Be honest with yourself
- ✓ See the forest (not the trees)
- ✓ Final thought: empathy goes a *long* way

Questions?



For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

www.pbpatl.org

info@pbpatl.org

(404) 618-0900