



Dismissing Employees with Justice and Fairness

By Mary Jo McGrath, Attorney at Law

McGrath Newsletter Series: *Working Effectively with Nonproductive Employees*

Part 2 of 3

The decision to terminate a permanent employee's employment based on faulty performance is reached after a multitude of events have taken place. These events involve all aspects of the school or work community, including administration, peers and community. Employee dismissal opens the door to scrutiny of the professional life of the individual employee as well as the entire school or work site's functioning.

Competent performance of an administrator in the area of evaluation and accountability is not just a matter of observing performance, accumulating input from portfolios or other means, and writing comprehensive summary evaluations. The highest measure of administrator competence is the fair, ethical and professional treatment of employees. These principles must be incorporated into the day-to-day practices that the administrator utilizes in holding people accountable for excellence in their work.

What Should the Rules Be So That Everyone Thrives?

The law of accountability, which impacts employee evaluation and termination, is very broad, flexible and, believe it or not, user friendly.

There are three legal criteria that govern the area: due process, just cause and fitness for service. These concepts are used collectively to determine the appropriateness of the supervision and evaluation processes and, in the cases where necessary, whether an employee should be removed from the job and their employment terminated. What is even more important is that these criteria provide excellent guidance on the smooth functioning of the school or organization as a dynamic organism.

Due Process = "Don't Blindside People"

The assessment of the presence of due process on a day-to-day basis asks the question, "Is the employee receiving notice of problems and an opportunity to correct?"

Just Cause = "Be Fair"

a) What did the employee do or not do?

b) How did those behaviors impact others, including pupils or clients, co-workers, staff, administration and community?

c) What context was the employee working within: (1) Were the supervisor and employer acting in good faith, clearly pointing out problem areas and diligently and honestly striving to assist in improvement; (2) Were there unforeseen difficulties operating as extenuating circumstances that need to be considered?

Fitness for Service = "Don't be Nitpicky"

The fitness for service criteria assesses many different factors which when taken together answer the question, "was the disruption significant to the overall process or was it inconsequential?"

Employee dismissal is the ultimate statement of accountability. It is the final process where an agency or school district calls a employee to account for his or her failure to perform satisfactorily and stands accountable for its part in the failure to remediate the situation. Perhaps a key reason why it is so difficult to take the step to terminate employment is that the current paradigm holds failure as an invalidation of the person's "self" which results in the need for punishment. In this current system, accountability is not an opportunity, but a punishment.

What if we redefined accountability as an opportunity to learn from the natural outcome of shared vision, values, and commitment to the group's goals, considering the group to be an integrated, whole, dynamic organism? What if we deeply grounded our behaviors in principles and ethics that enhanced relatedness while calling for growth and excellence? Could excellence become a reality for our schools and organizations?

We will explore these questions in the final installment in our 3 Part Series --
Working Effectively with Nonproductive Employees:

THE "ARCHITECTURE OF ACCOUNTABILITY"

Editors' note: This article is general in nature and is not intended to replace professional, legal advice.

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