Hire and Fire the Right Way

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- VP of HR at Nickelodeon
- Author of best-selling books

Hire and Fire Right!
Outline of Today’s Discussion

Part I: Hire Right

• Targeted Interviewing Questions

• References to Rescue!

• Making the Offer and Closing the Deal – Successful Salary Negotiation Strategies
Outline (cont.)

Part II: Fire Effectively

• Key Elements of Progressive Discipline

• Structuring Written Warnings

• Alternatives and Tools
Building a Case for the Candidate

Use four key criteria in selecting your next hire:

- Longevity
- Progression through the ranks
- Technical skills
- Personality match
Longevity

Lay-Off

• How many employees were laid off simultaneously?
• How many people survived the cut?
• How many waves of layoffs did you survive before you were let go yourself?

Orchestrating Your Own Moves

• What does growth mean to you?
• What would be your next logical move in progression at your present company if you were to stay put?
Progression Indicators

• “Walk me through your progression with your current firm, leading me up to what you do now on a day-to-day basis.”

• “How have you had to reinvent your job in light of your company’s (or department’s) changing needs?”
Technical Skills

• “On a scale of 1-10, 10 being you’re a perfect match for this position, how would you grade yourself from a technical standpoint?”

• “Why are you an [8]?”
• “What would make you a 10?”
• “Why is this a good move in career progression for you in terms of building your resume?”
Personality Match

• “Do you prefer more structure, direction, and feedback on a day-to-day basis or an environment with more autonomy and independence?”

• “How many hours a week do you find it necessary to work in order to get your job done?”
Personality Match (cont.)

• “Tell me how you prefer to accept constructive criticism: Do you pride yourself on your “tough hide” or should we be more sensitive to your feelings?”

• What pace do you typically prefer in the office: (a) moderate, controllable, and predictable, (b) face pace with deadline pressure, or (C) hair-on-fire, hyper-space, floor of the New York stock exchange?
Achievement-Anchored Interview Questions

- What makes you stand out among your peers?”

- “Tell me about the greatest career achievement you’ve ever had…”

- “What have you done on your present / last position to increase revenues, decrease expenses, or save time?”
Pressure-Cooker Questions

• “Tell me about your last performance appraisal: What was your overall score, and in which area were you most disappointed?”

• “What would your most-respected critic say about your work?”

• “Grade me on how well I’m conducting this interview. What could you tell me about my management style based on the types of questions I’m asking?”
“Career Counselor” Interviewing

• Ask: “What would joining our firm do for you in terms of adding new skills and building your resume?”

• Ask: “If you were to accept this position with us today, how would you explain that to a prospective employer five years from now? How would this job provide a link in your future career progression?”
“Career Counselor” Interviewing (cont.)

- “What would have to change at your current company for you to consider staying?”

- “What are the three or four criteria you’re using to select your next job or company?”

- “Are there any other pending offers on the table or late-stage interviewing discussions that are in play?”
Reference Checks: The *True* Second-Round of Interviewing

- **Rule 1**: Customize your references based on the hiring manager’s feedback / concerns

- **Rule 2**: Invite the hiring manager to join you on the reference checking phone call
Reference Checks (cont.)

**Hot Tip #1:** Shift the burden of opening the lines of communication with prior supervisors back to the candidate. (Alternative: Have the references call you.)
Reference Checks (cont.)

**Hot Tip #2:** Spread Honey on the Opener

“Janet told me some very nice things about your ability to give her structure and direction in her day, and I was hoping you’d be able to share some insights into her ability to excel at our company . . .”
Reference Checks (cont.)

**Hot Tip #3:** Overcome Objections

“I appreciate that your company has policies in place re: no references – so does ours. In our experience, though, we’ve found that managers who like their past subordinates and want to help them get a leg up in their careers will often share their insights confidentially. We value references tremendously at our firm – Can I ask you just a few questions?”
Reference Checks (cont.)

Hot Tip #4: Challenge the “Stonewaller” . . .

“I understand. Unfortunately we tend to view no news as bad news when it comes to prior supervisors’ recommendations, and we may not be able to hire her without validation from someone who was an immediate superior. Could you tell me if she’s rehirable?”
Making the Offer & Closing the Deal

**Rule of Thumb:** Remember to control all the variables before extending an offer!

**Opener:** “What’s changed since the last time we spoke?”

- “*If* we were to make you an offer, when would you be in a position to decide?”
Making the Offer (cont.)

• “If we were to make you an offer, tell me ideally when you’d be able to start. How much notice would you need to give your present employer?”

• “Share with me what final questions I could answer for you at this point.”
Making the Offer (cont.)

The $1,000,000 Question

• “At what point dollar-wise would you accept our offer, and at what point dollar-wise would you reject it?”
Key Elements of Progressive Discipline

• Rule 1: The employee needs to know what the problem is

• Rule 2: The employee needs to know what she needs to do in order to fix the problem (a measurable standard must be known in advance)
Key Elements (cont.)

- **Rule 3**: The employee needs to have a reasonable time period in which to fix the problem.

- **Rule 4**: The employee needs to understand the consequences of inaction.
To Meet These Four Criteria:

• You and your company have to be consistent in the application of your own rules. Therefore, look to your past practices.

• The discipline must be appropriate for the offense. Beware of over-emphasizing *de minimis* infractions.
Four Criteria (cont.)

• Consider prior service, overall performance, and prior performance appraisal and disciplinary records so that you’re not administering discipline in a vacuum.

• Give employees an opportunity to respond formally in writing.
Golden Rules of Thumb

• Seldom will disciplinary transgressions be identical.

• For progressive discipline to progress, there must be a link or nexus between events in order to move to the next stage.

• Otherwise, you’ll end up with a series of “first” warnings rather than a progression of first, second, and/or final written warnings.
Rules of Thumb (continued)

• **Litmus Test**: How would you respond to this particular issue if your best-performing employee made the same error?

• HR should be present (a) as a witness and (b) to ensure the employee is treated with *dignity and respect*. 
Rules of Thumb (continued)

• The key to successful progressive discipline lies in shifting the responsibility for improvement away from the company and toward its employees!

• Achieve this by “meeting the employee half way” in the process and making your company part of the solution.
What is Progressive Discipline?

- A series of one or more formal (documented) notices that an employee’s performance and/or conduct doesn’t meet standards

- A progressive system of notification where each step contains some added element to impress upon the employee the growing sense of urgency
Critical Issues to Consider

• Summary Dismissals

• Employment at will vs. “employment with termination for just cause only”

• Probationary periods: a false sense of security for many employers
Critical Issues (continued)

• Issuing a “final written warning” for a first-time offense: performance vs. conduct infractions

• Removing disciplinary warnings from an employee’s personnel file after one year: proceed at your own risk!
Number of Steps

• Follow the verbal > written > final written warning paradigm unless starting with anything less than a final written warning could make you, as an employer, appear irresponsible.

• Accord more due to process to longer-term workers (via decision-making leaves and letters of clarification).
Classifying Infractions

• A repeated violation of the same rule or the same type of rule is key to progressing through the steps of progressive discipline.

• Remember to view behavior in terms of overall responsibility rather than as isolated behavioral acts.
Two Key Categories

- **Performance Transgressions** (including policy and procedure violations and attendance / tardiness) -- Follow all regular steps of disciplinary process.

- **Behavior/Conduct Infractions** -- Move to immediate termination or a final written warning, if necessary.
Written Warning Structure

- Incident Description / Narrative
- Measurable & Tangible Improvement Goals
- Training & Special Direction to be Provided
- Documented Consequences

Catch All: “Failure to provide immediate and sustained improvement may result in further disciplinary action up to and including dismissal.”
Letters of Clarification

• An alternative to formal written warnings ("acknowledgment")

• Best used for longer-term workers who may be entitled to greater due process

• “This is not a disciplinary document. Please sign to acknowledge your commitment to fixing the perception problem at hand.”
Decision-Making Leave

• Best used for longer-term workers who may be entitled to greater due process

• “Last Chance Agreement”

• Day off with pay to rethink your commitment to the company and to your position

• A “once in a career” benefit
Avoid these 2 Mistakes!

• **Avoid documenting “state of mind” offenses:** do not use words such as “willfully, maliciously, purposely, deliberately, or intentionally” (mental qualifiers)

• **Do not “codify the damage.”** Remember, these documents are all discoverable (e.g., “Sexual Harassment” is considered a legal conclusion).
Questions and Answers