

EMPLOYMENT
& LABOR LAW

ADVICE
SOLUTIONS
LITIGATION

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LANDEGGER | BARON | LAVENANT

A LAW CORPORATION

Avoiding & Managing Toxic Employees

An Ounce of Prevention And A Pound
of Cure

Presented

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Toxic Employees

- Topics to be covered:
 - How To Screen Applicants and Employees Before They Infect Your Workplace
 - How To Sugar Coat Company Policies Evenly
 - How To Prevent The Disease From Spreading
 - Which Medicine Cures The Disease

Toxic Employees

- Examples of Toxic Employees:
- One Who:
 - Always arrives late to work or leaves early
 - Refuses to work overtime, particular schedules, or extra shifts
 - Gossips or badmouths management, co-workers or customers
 - Argues with management, co-workers or customers
 - Decreases productivity while encouraging others to follow suit
 - Constantly says "It's not my job."

Toxic Employees

- Why Don't We Want Toxic Employees?

Toxic Employees

- Why Don't We Want Toxic Employees?
 - Lowers Morale
 - Decreases Production
 - Increases Opportunities for Workplace Violence
 - Destroys Customer Service and Reputation
 - Maximizes Civil Liability!!!!

Ventura County Star


\$22.5 million awarded in injury case

A Ventura County jury has awarded a local woman more than \$22.5 million, the biggest award in a personal injury case in recent county history, attorneys said Monday.

The Superior Court jury made the award to Dawn Renae Diaz, 38, for severe brain damage and other injuries she sustained in a 2006 traffic accident on Highway 101 in Camarillo.

The collision on Jan. 20, 2006, occurred between a box truck and a pickup truck. The collision sent the pickup over the center divider, landing on top of Diaz's vehicle, which was traveling in the opposite direction.

The box truck driver's previous employer had told his employer that he was an unsafe driver and was fired because of this. Sugar Transport's hiring officer testified that they hired the driver because they were busy and needed to put "bodies behind the wheel."



Toxic Employees

- What is One Of The Best Ways To Avoid Toxic Employees?

Toxic Employees

- What is One Of The Best Ways To Avoid Toxic Employees?

-DON'T HIRE THEM!!!

Toxic Employees

- Screening Applicants

- **Application:** should request, among other things, the applicant's name and any other names that the applicant presently or in the past has used, address and telephone number, and the applicant's work history (including the names, addresses, and telephone numbers of former and current employers) for at least the past ten years.

Toxic Employees

- Screening Applicants

- **Application:** The employer should also require the applicant to provide the name, telephone number, address, and relation of at least three references. The applicant's response, as well as his or her failure to completely respond to such questions, can be useful in a background check and in assessing the applicant's trustworthiness.

Toxic Employees

• Screening Applicants

- **Application:** Application should include a statement that the applicant certifies that the information contained in the application is correct and that the applicant understands that any misrepresentation or omission of information requested on the application is sufficient cause to be denied a job offer, or if the misrepresentation or omission is discovered after hired, grounds for immediate dismissal.

Toxic Employees

• Screening Applicants

- **Application:** Include statement that the applicant acknowledges that employment with the company is "at-will." Also, the applicant acknowledges that no promise or guarantee of continued employment has been given, and that any assurances of continued employment, whether written, oral or by conduct, shall not be interpreted as changing the nature of the employment relationship.

Toxic Employees

• Screening Applicants

- **Background Checks:**

- Credit Report/Background Check
 - Internet
 - Megan's Law Website
- Fingerprinting
- Drug/Alcohol Screen
- Physical examination

Toxic Employees

- Screening Applicants
 - **Background Checks:** The relatively small costs of a background check (\$50-\$125) is dwarfed by the high costs of defending against administrative claims or worse-yet litigation (\$10,000-\$250,000).

Toxic Employees

- Screening Applicants
 - **I-9s:** Stick by technical rules. Do not allow an employee to talk you out of completing this document correctly. If the employee cannot provide the required documentation within three (3) days from the date of hire.
 - For **most** employers, retain a copy of the documents used to complete I-9.

Toxic Employees

- Screening Applicants
 - **New Hire Documentation**
 - **Employee Handbook**
 - **Job Descriptions**
 - **Job Offers**

Toxic Employees

- Screening Applicants
 - Document the application and new hire process. Provide a copy of each document reviewed and signed by each new hire. Obtain acknowledgments out the ying-yang.
 - **Do Not Hire Anyone That Refuses To Follow Your Application or New Hire Procedures!!**

Toxic Employees

- Sugar Coating Company Policies
 - Continuously monitor competitive policies, benefits and compensation structures
 - Have policies reviewed for legality
 - Provide regular meetings to employees to explain certain policies and procedures and the rationale
 - Highlight different topics each meeting
 - Do not allow meeting to explode into "b----" session

Toxic Employees

- Sugar Coating Company Policies
 - Train management regularly to ensure that policies are being applied uniformly
 - Communicate to employees the health of the company
 - Do not be afraid to add/revise/delete policies
 - Work on HOW policies are communicated

Sugar Coating Policies

Language Subtleties Influence Your
Management Abilities

Language Subtleties

How we say something is just as
important as what we say.

Managers can better communicate by
an inclusive rather than exclusive
manner.

Sugar Coating Policies

- Language Subtleties – Inclusive Language:
 - By inclusive, you should consider this term to mean the mental state of optimism; while exclusive is pessimism.
 - You can change the way you say things so they come out inclusive, positive. When you convey an optimistic attitude, you gain more control over yourself and get more from your staff and co-workers.

Sugar Coating Policies

- Inclusive Language can be used effectively in the following areas routinely encountered by managers:
- Evaluation
- Appreciation
- Promotion
- Prohibition
- Persuasion
- Motivation

Sugar Coating Policies

- Studies have found that "optimistic" employees are up to fifty percent (50%) more productive than "pessimistic" employees.

Evaluation

- We are always evaluating and making judgments. Mostly, we're unknowingly making evaluations in exclusion. Here are some examples:
- "Not as bad as I thought."
- "I don't have a problem with that."
- "I don't see any reason why we couldn't do it."
- "It certainly wouldn't be out of the question."

Evaluation

- When you evaluate something, you're making judgment calls. The likelihood that you will feel pessimistic about an idea because of your speaking in exclusion is very high. You're much more likely to be optimistic and to move forward when you're speaking in inclusion. So instead of saying, "Not bad," say, "That's good."

Evaluation

• EXCLUSION EXAMPLES

- I can't argue with that.
- I can't complain.
- I'm not ignoring that.
- If nothing gets in the way.

INCLUSION EXAMPLES

- I'm inclined to agree with that.
- I think it's okay.
- I'm aware that's a consideration.
- If everything goes as planned.

Appreciation

- Suppose someone says to you, "Thanks so much. I really appreciate everything you did."
- Often you say, "No problem. It was nothing, nothing at all."
- The first impulse someone has when one says, "no problem," is to say, "Wait a second, you mean there would have been a problem?"

Appreciation

- Often in giving appreciation, you will try to give it by saying, "I really don't know how to thank you," or "I really don't know how to express my thanks."
- This can give you the feeling of a deficit or inadequacy. "I really don't know how to thank you," could be changed to "It's so difficult for me to figure out a way to properly thank you."
- In either receiving appreciation or giving it, it is to your advantage to speak in present and positive terms. It does good things for you and for the other person.

Promotion

- Here are some examples of inclusionary promotional advertising:
- Citicorp: "Citicorp, because America wants to succeed. Not just survive."
- MCI: "If not us, who? If not now, when?"
- Pirelli Tires: "Power is nothing without control."
- Paul Mason Wines: "We will sell no wine before its time."
- Vidal Sassoon: "If you don't look good, we don't look good."
- American Express: "Don't leave home without it."

Promotion

- These ads are promoting these products in an exclusionary fashion.
- Every day, you're promoting something, whether it be yourself, a program or an attitude.
- The point is to be aware that we are surrounded by various types of language.
- If you are to keep control of your own optimism, it is best to limit negative or exclusionary language.

Prohibition

- It seems that everywhere we turn, we're told not to do something. It's as if we were kids again and constantly being watched for our own safety.
- Whenever you see a sign posted, it almost always tells you what you are not able to do.
- Suppose you were to rewrite the signs so they gave their instructions in inclusion as opposed to exclusion.
- What might they say?

Prohibition

- Instead of saying, "No Smoking," you could say, "Smoke Free Area."
- Instead of saying, "No Eating in This Room," you could say, "Eating Prohibited in This Room."
- Instead of saying, "No Entrance," you could say, "Entrance Prohibited."
- Instead of "No Littering," you could say "Keep this area clean."

Prohibition

- Messages telling us what is acceptable or what is unacceptable in a language of inclusion creates an entirely different feeling, and a greater likelihood that we would want to follow the message.

Persuasion

- If you understand this category, you will be empowered because when you really understand how to position your persuasion methods in inclusion, you'll have so much more horsepower when it comes to influencing people.

Persuasion

- In many business relationships, co-workers attempt to persuade each other with some form of "why don't you" or "why don't we."
- "Why don't we get together on Monday?"
- "Why don't we stop doing this?"
- "Why don't I send that to you?"
- "Why don't I bring the contract over?"

Persuasion

- If you and your co-worker are deciding where to eat, and one of you says, "Why don't we go to The Cheesecake Factory?"
- The other's first unconscious impulse is to begin to answer the question, "Well, there are three reasons why I don't want to go to the Cheesecake Factory. One, I don't want to drive that far; two, I don't really like the food; and three, it's too expensive."

Persuasion

- What's interesting is that when you ask somebody, "Why don't we/you?," the receiver frequently resists with some form of a "No."
- However, if you were to change the question from exclusion to inclusion, from "why don't you/we" to "How about," or "Let's," the ambivalent person is much more likely to be persuaded.

Persuasion

- Here are some suggestions on inclusive language:
- Instead of saying, "Why don't you call me on Monday?", say, "How about you call me on Monday?"
- Instead of saying, "Why don't you get me the report?", say, "How about getting the report?"
- Instead of saying, "Why don't you quit worrying?", say, "What are your thoughts about the problem?"

Persuasion

- You're going to get much more persuasive strength when you use "What are your thoughts," "How about," or "Let's," in trying to get other people to sign up to your suggestions.

Motivation

- Motivation is linked to language. This makes it a very good area in which to apply language skills.
- Your language can make a huge difference when you want to impact your own motivation as well as the motivation of those around you.

Motivation

- Some people are motivated by going toward a goal or an objective if they see benefits.
- This means that when they decide to take action or commit their resources, they do so because they are interested in the benefits.
- They are "going toward" oriented, going toward the pleasure, toward the benefit.
- They do something in the interest of the payoff they'll get.

Motivation

- You should act as if most people prefer to think of themselves as "going toward" when it comes to their motivation.
- However, it's clear that it's very difficult to be a "going toward" person if you're always speaking in the language of "don't, never, and can't."

Motivation

- You might be quite pleased to see how your and your employees' outlook changes when you speak in inclusion.
- You might even slowly watch your motivation change from a going away perspective to one that goes toward your objectives.

Motivation

- "Going toward" is definitely preferable as a motivator.
- So to increase this likelihood, speak in terms of "yes, always, and can."
- Then watch the gradual transformation of yourself and those around you from "going away" to "going toward."
- Your motivation will have a healthier and powerful feel.

Motivation

- This conversion from exclusion to inclusion will require some practice.
- As with all new learning, it will seem out-of-place and artificial at first.
- You should avoid becoming fanatical and fearful of every word you plan to utter.
- But focus on the good stuff, the choices you can make in your words that will lead to uplifting results that you desire.

Using The Rules of Discipline To Prevent Spread of Disease

- Following the rules below should minimize your Company's exposure to any kind of allegations of unfair treatment, discrimination or wrongful demotion or termination:

Rules of Discipline

- 1. FAIRNESS.
- Ask yourself the following question: Is it fair to discipline this employee based upon the quality and quantity of the evidence before you?

Rules of Discipline

- 2. CONSISTENCY.
- In the past has your company imposed the same discipline in similar situations?

Rules of Discipline

- 3. UNIFORMITY.
- Each Company should have an employee handbook, written policies or job descriptions so that employees know what is to be expected of them. Each company must promote the understanding of such policies to each employee.
- Examples: Excessive absenteeism.
- Insubordination.

Rules of Discipline

- 4. BRUTAL HONESTY.
- During discipline it is essential that you are candid and direct with the employee regarding performance and performance appraisals. Never tell any employee they are being laid off when performance is the real issue.

Rules of Discipline

- 5. BE OBJECTIVE.
- To demonstrate validity and legality of actions.

Rules of Discipline

- 6. VALIDATION.
- Be in a position to demonstrate all of the above. Imagine yourself in the witness chair. This is what you want to portray to the judge or the jury.

Rules of Discipline

- HERE ARE SOME TOOLS THAT YOU SHOULD ADOPT IN DISCIPLINE:
- Investigation – Be thorough.
- Protect the integrity – Consider having two people present.
- Flexibility in progressive discipline system - Do not rely on "at will" LC 2922.
- Careful Balance - Patience vs. too much patience.

Rules of Discipline

- HERE ARE SOME TOOLS THAT YOU SHOULD ADOPT IN DISCIPLINE:
- Document, document, document - The final warning notice should not be the first written notice.
- Good documentation - If it's worth talking about, it's worth putting in writing. When, where, who, what happened in the first person. Tell employee what employee must do to improve performance and what is wrong with current performance. Tell employee how long you will allow to improve (don't put on probation for 30, 60, 90 days). Tell employee what to expect if unable to or unwilling to improve performance appraisal vs. progressive discipline.

Curing The Disease

• What Type of Discipline is Available?

- Disciplinary action may include, but is not limited to, the following:
 - Coach/Counseling
 - Verbal warning
 - Written warning
 - Unpaid leave/suspension
 - Probationary period
 - Reassignment/demotion
 - Reduction in pay/benefits
 - Transfer
 - Termination

Curing The Disease

• What Type of Discipline is Available?

- The choice of any disciplinary action is within the complete discretion of the company and if done right will not alter the employee's at-will employment relationship with the company.

Curing The Disease

• When Should The Discipline Be Issued?

- An employee should be disciplined when:
 - They have engaged in a violation of established work rules or performance standards;
 - They have engaged in a series of events that create an unproductive environment, even if one of the actions standing alone is not violative of work rules or performance standards;
 - They have engaged in conduct that did or could have caused harm to themselves or others;
 - Promotion of the Company's mission or goals may be furthered by admonishing misbehavior; or
 - Failure to discipline an employee may result in liability to the company or third party.

Curing The Disease

• When Should The Discipline Be Issued?

- HR managers and other senior company officials often make discipline and termination decisions based on facts and recommendations from subordinates. In fact, disciplinary decisions should not be made in a vacuum. If the supervisor is unfamiliar with the work history or the employee(s) involved, a brief discussion with the prior supervisor, HR officer, or a review of the personnel file would be help. Ignorance of the employee's past may not be a defense if the employee action is potentially unlawful.

Curing The Disease

• How To Document The Prescription?

- Document, document, document: It is absolutely essential that there is sufficient documentation in the file to support discipline, including a termination. Warning memorandums and notices should be in written format and placed in the employee's personnel file. Never verbally counsel or discipline an employee without documenting such discipline in the employee's personnel file.

Curing The Disease

• How To Document The Prescription?

- Do not simply keep notes regarding employee discipline as such notes have no value in litigation unless the employee is given a copy, and they are placed in an employee's personnel file. Written warnings should be properly filled out and should clearly state the offense committed by the employee. The employee should be permitted to make any comments on the warning that they feel are appropriate. Any written warning should be placed in the employee's personnel file.

EMPLOYMENT APPLICATION

GENERAL DATA

Last Name		First Name		Middle Name	
Have you ever used another name? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please specify for purposes of a reference check:					
Present Address		Number	Street	City	State Zip Code
Years at Above Address			Home Telephone Number ()		
Position Applying For					Date of Application
Full Time or Part Time			Shift or Hours Preferred		
Drivers License Number (if applicable)			Expiration Date		

If employed in the position for which you have applied, would you be in a supervisory or subordinate relationship to any relative of your household? ☐ Yes ☐ No

PERSONAL DATA

Person to notify in case of an Emergency:		Name	Home Telephone Number ()	
Present Address		Number	Street	City State Zip Code
How did you learn of this job opening?				
<input type="checkbox"/> Advertisement <input type="checkbox"/> Friend <input type="checkbox"/> Walk-In				
<input type="checkbox"/> Employment Agency <input type="checkbox"/> Relative <input type="checkbox"/> Other _____				
List membership in professional organizations which you feel would enhance your application. You may exclude any whose names would indicate the race, religious creed, color, national origin, or ancestry of its members.				

If under 18 years of age, can you after employment, submit a work permit? ☐ N/A ☐ Yes ☐ No

Have you ever been convicted of a crime (felony or misdemeanor) OTHER THAN (1) a marijuana-related conviction that occurred more than two years ago; and (2) an offense for which you were referred to, and participated in, any pre-trial or post-trial diversion program? ☐ Yes ☐ No

If yes, please state the date of conviction, the county and state, and the nature of the offense.

NOTE: An affirmative response to this question will not result in your automatic disqualification for employment.

SKILLS

Typing Speed (wpm):	Shorthand (wpm):
Machines Operated:	
Other Training/Skills (include bilingual ability if relevant to the position for which you are applying):	
Branch of Military Service:	State Dates: From To
State relative skills acquired during military service:	

PROFESSIONAL & TECHNICAL APPLICANTS ONLY

Professional License Number:	Expiration Date:	Type of License:	State:
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Is there any reason why you would be unable to perform or to safely perform any of the duties of the position for which you have applied, as set forth on the job description for that position? ☐ Yes ☐ No

If "Yes," please explain: _____

EDUCATION

	HIGH SCHOOL	COLLEGE	TRADE, PROFESSIONAL SCHOOL OR OTHER
Name			
Address			
Number of Years			
Course or Major			
Diploma/Degree			

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

WORK EXPERIENCE

Last/Present Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? <input type="checkbox"/> Yes <input type="checkbox"/> No (If still employed)			
Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? <input type="checkbox"/> Yes <input type="checkbox"/> No (If still employed)			
Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? <input type="checkbox"/> Yes <input type="checkbox"/> No (If still employed)			

APPLICANT'S STATEMENT

I hereby certify that I have been informed of the duties, the hours and days of work of the position for which I am applying, and that the information on this application is correct and complete to the best of my knowledge.

I agree to have any of the statements checked by the Company unless I have indicated to the contrary. Further, I understand that falsification or omission of any material information on this application, if I receive a job offer may be considered sufficient cause for immediate termination. I agree that if employed, I will abide by all policies and procedures established by the employer.

I hereby acknowledge that my employment is "at-will," that I may resign at any time and the Company may terminate my employment at any time, with or without cause, and with or without notice, that any assurances of continued employment, whether written, oral or by conduct, shall not be interpreted as changing the nature of the employment relationship unless specifically acknowledged in writing by the President of the Company.

By: _____

Signature of Applicant

_____ Date

FOR COMPANY USE ONLY

Interviewed: ☐ Yes ☐ No

Remarks: _____

Employed: ☐ Yes ☐ No

Starting Date: _____

Job Title: _____

Salary: _____

Dept: _____

By: _____

Name and Title

_____ Date

(Revised 11-16-07)

DISCLOSURE RELEASE FORM

This is to inform you that as part of our procedure for processing your employment application, _____ may use _____ and other independent outside agencies. This agent may make an investigative report in which information is obtained through, but not limited to, personal interviews or information inquiries with family members, business associates, financial sources, credit reporting agencies, friends, neighbors, educational institutions, courts, government or law enforcement agencies or other third parties with whom you are acquainted. This information will include inquiries as to your characteristics or mode of living, whichever is applicable. A fingerprint may also be obtained for safety and security purposes.

By signing the document below, you are releasing any and all persons, companies or others from any liability whatsoever for this purpose. You have the right to make a written request, within a reasonable period of time, for complete disclosure of additional information concerning the nature and scope of the investigation. You have the right to receive a copy of your credit report. Please mark the appropriate box.

I would like to receive a copy of my report? Yes ☐ No ☐

First Name [Please Print]	Middle Name	Last Name
All Other Names Used (Aliases, AKA's, Maiden)		
Current Address:		
Previous Address:		
Driver's License Number	State Issued From	
Print Full Name As It Appears on Driver's License		
Date of Birth (Voluntary Information)	Social Security Number (Voluntary Information)	
I fully understand that by completing this form, I am authorizing _____ and/or _____ to look up my credit records and obtain a copy of my credit report from a credit reporting agency, as well as other information outlined above.		
Date	Signature	

NEW HIRE CHECKLIST

The following items must be signed and contained in every new hire employee packet. If a document does not apply, please write N/A. Please initial that the document has been presented to the employee and signed.

Employment Application (completed, dated and signed by applicant)	(Optional)	_____
Post-Hire Employee Data Sheet	(Optional)	_____
Federal Form W-4 - Employee Withholding Allowance	(Mandatory)	_____
California State Form DE-4 Employees Withholding Allowance Certificate	(Mandatory)	_____
I-9 Form - (completed by applicant and company representative)	(Mandatory)	_____
Voluntary Information Form	(Optional)	_____
Authorization to obtain Investigative Report	(Optional)	_____
Notification of Request for Investigative Consumer Report	(Optional)	_____
Workers' Compensation Benefits Statement and Physician Election Form (English and Spanish/Acknowledgment)	(Mandatory)	_____
State Disability Insurance Booklet-DE2515 (English/Spanish)	(Mandatory)	_____
EDD For Your Benefit Booklet-DE2320	(Mandatory)	_____
Family Care and Medical Leave and Pregnancy Disability Leave Notice (State)	(Optional)	_____
Family and Medical Leave Act of 1993 (Federal)	(Optional)	_____
California Paid Family Leave-DE2511 (English and Spanish)	(Mandatory)	_____
Department of Fair Employment and Housing Sexual Harassment Pamphlet (English and Spanish)	(Mandatory)	_____
Company's Sexual Harassment Policy with Acknowledgment	(Mandatory)	_____
Company's Drug and Alcohol Policy with Acknowledgment	(Optional)	_____
Employee Handbook	(Optional)	_____
Employee Handbook Acknowledgment of Receipt	(Optional)	_____
Insurance Premium Authorization	(Optional)	_____
Unearned Vacation Agreement	(Optional)	_____
Supplies/Uniform Cost Authorization	(Optional)	_____
Acknowledgment of Receipt of Mandatory Documents	(Optional)	_____

Date: _____

By: _____
Supervisor's Signature

Date: _____

By: _____
Employee Signature

Employee Name

**Form I-9, Employment
Eligibility Verification**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last		First	Middle Initial	Maiden Name
Address (Street Name and Number)			Apt. #	Date of Birth (month/day/year)
City		State	Zip Code	Social Security #
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.		I attest, under penalty of perjury, that I am (check one of the following):		
		<input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____		

Employee's Signature	Date (month/day/year)
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Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)		B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.		
Document Title: _____	Document #: _____	Expiration Date (if any): _____
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.		
Signature of Employer or Authorized Representative		Date (month/day/year)

LISTS OF ACCEPTABLE DOCUMENTS

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Eligibility	Documents that Establish Identity	Documents that Establish Employment Eligibility
	OR	AND
1. U.S. Passport (unexpired or expired)	1.D river's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	1. U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2.I D card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	2.Certific ation of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
3. An unexpired foreign passport with a temporary I-551 stamp	3.S chool ID card with a photograph	3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)	4. Voter's registration card	4. Native American tribal document
	5. U.S. Military card or draft record	5. U.S. Citizen ID Card (Form I-197)
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer	6. Military dependent's ID card	6.I D Card for use of Resident Citizen in the United States (Form I-179)
	7.U .S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	7.U nexpired employment authorization document issued by DHS (other than those listed under List A)
	9.D river's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	
	11. Clinic, doctor or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

RULES OF DISCIPLINE

1. FAIRNESS. Ask yourself the following question: Is it fair to discipline this employee based upon the quality and quantity of the facts before you?
2. CONSISTENCY. In the past has the Company imposed the same discipline in similar situations?
3. UNIFORMITY. The Company has an employee handbook, so employees know what is to be expected of them and what the Company provides for them for benefits. As a supervisor you must promote the understanding of such policies to each employee.

Examples: Excessive absenteeism.

Insubordination.

4. HONESTY. During discipline it is essential that you are candid and direct with the employee regarding performance and performance appraisals. Never tell any employee they are being laid off when performance is the real issue.
5. BE OBJECTIVE. To demonstrate validity and legality of actions.
6. FOLLOW RULES 1, 2, 3, 4 and 5. Be in a position to demonstrate all of the above. Imagine yourself in the witness chair. This is what you want to portray to the judge or the jury.

REGLAS DE DISCIPLINA

1. IMPARCIALIDAD. Pregúntese a sí mismo la siguiente pregunta: ¿Es justo disciplinar a este empleado basado en la calidad y la cantidad de hechos que usted está considerando?
2. CONSISTENCIA. ¿En el pasado, ha impuesto el Mercado la misma disciplina en situaciones similares?
3. UNIFORMIDAD. El Mercado tiene un manual para empleados para que los empleados sepan lo que se espera de ellos y lo que el Mercado les ofrece en forma de beneficios. Como supervisor, usted debe promover el entendimiento de esas pólizas con cada empleado.

Ejemplos: Faltas excesivas
Insubordinación
4. HONESTIDAD. Durante la disciplina, es esencial que usted sea franco y directo con el empleado con respecto al rendimiento de trabajo del empleado y la evaluación de ese rendimiento. Nunca le diga a un empleado que se le esta dando “lay off,” cuando la verdadera razón es la calidad o el rendimiento de trabajo del empleado.
5. SEA OBJETIVO. Para demostrar validez y legalidad de acción.
6. SIGA LAS REGLAS 1, 2, 3, 4 y 5. Póngase en la posición de poder demostrar todas las reglas de arriba. Imagínese que usted esta atestiguando. Estas reglas es lo que usted quiere poder demostrar a un juez o a un jurado.