supervisor’s checklist for termination/discipline

preparing to be tomorrow’s leader today

the power of encouraging your employees

pre-planning: the key to problem solving

is your leadership strong enough?
three pillars of strength to help leaders in tough times

labor law for supervisors

help your manager & help yourself:
how your supervisor can help you climb
the corporate ladder
supervisor’s checklist for termination/discipline
clifford m. koen, jr. & michael s. mitchell

preparing to be tomorrow’s leader today
robert d. ramsey, ed.d

the power of encouraging your employees
ben glenn

pre-planning: the key to problem solving
ken fracaro

is your leadership strong enough?
three pillars of strength to help leaders in tough times
joelle jay, ph.d.

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mary-kathryn zachary, j.d.

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You take pride in your work and in the work of your employees, and you always try to hire the best qualified people. You work diligently to educate, train, coach and counsel everybody in your work group. Unfortunately, it has become painfully obvious to you that you must consider terminating one of your employees. The employee has made it clear that he intends to hire an attorney. Under the best of circumstances, this will likely be a stressful ordeal.

You know to check your employer’s policies and procedures that govern how this must be accomplished. You also have a working knowledge of the seemingly countless federal and state laws that must be taken into consideration. The last thing your career needs is to have an employee successfully sue your employer because of your mistake. If only you could quickly and properly assess the situation, it would relieve your anxiety and help get this unpleasant task behind you.

Introduction
This article addresses the concern supervisors often have with respect to disciplining employees. We provide a checklist of questions for the supervisor to review before taking action. Disciplinary action can take the form of a variety of actions including a verbal warning, written warning, suspension or termination. Generally, the more serious the action, the more likely that a formal complaint will be filed by an employee.

It is not within the scope of this article to address all the laws impacting disciplinary actions nor to address all of the possible questions and issues that may arise when disciplining an employee. And, of course, nothing in this article should be construed as legal advice. Employers should seek the advice of a knowledgeable attorney when resolving issues associated with any type of disciplinary action, since laws may vary substantially from state to state.

Obviously, no list of questions can address all the possible factors and situations that may arise in various disciplinary actions. Similarly, such a list cannot provide any sort of immunity from a lawsuit. But, by reviewing and thoughtfully answering the questions listed in this article, a supervisor may reduce the likelihood of becoming entangled in costly, time-consuming litigation and possibly having to reinstate an undesirable employee. Terminating (or otherwise disciplining) a poor employee only to have the employee reinstated because of a supervisor’s mistake could be a devastating blow to the supervisor’s credibility and to the supervisor’s career.

Touch All the Bases
Termination can be risky and can develop into a nightmare if not done properly. The best way to avoid a lawsuit is to defuse in advance the claims and arguments an employee might make to fight
his or her dismissal. Typical claims an employee might make in a legal proceeding include discrimination based on criteria such as age, race, gender, religion, disability, national origin, retaliation, lack of due process or any one of dozens of other claims that may be made under federal and state laws.

A. In a non-union setting

Generally, to uphold a disciplinary action including discharge, courts typically require: 1) consistency; and 2) clear and convincing documentation of the poor performance or improper behavior; as well as proof that 3) the employee was aware of employer and supervisor expectations; 4) the employee was informed about poor performance or improper behavior; and 5) the employee was given reasonable opportunity to improve performance or behavior.

B. In a unionized setting

If the disciplinary action occurs in a unionized setting, the key issue is usually whether the discipline of the employee in question was for “just cause.” The concern over “just cause” refers to language typically found in the collective bargaining agreement.

Generally, to determine whether “just cause” exists in a disciplinary action, three elements must be considered: 1) employee must be provided with due process (i.e., the process used must be fair in form and in application); 2) there must be sufficient evidence of the employee’s behavior or poor performance; and 3) the punishment chosen by the employer must be appropriate under the circumstances. It is all about what is fair under the circumstances. A system that is fair and is fairly applied to all employees will less likely be attacked by disgruntled employees and will more likely result in a legally valid disciplinary action if challenged in court.


The following factors are considered:

1. NOTICE - Did the employer give the employee reasonable warning of the possible or probable disciplinary consequences of the employee's conduct?

2. REASONABLE RULE - Was the employer's rule or managerial order reasonably related to a) the orderly, efficient, and safe operation of the business, and b) the performance that the employer might properly expect of the employee?

3. INVESTIGATION - Did the employer, before issuing discipline, make an effort to discover whether the employee violated or disobeyed a rule or order of management?

4. FAIR INVESTIGATION - Was the employer's investigation conducted fairly and objectively?

5. PROOF - At the investigation, did the employer obtain substantial evidence that the employee was guilty as charged?

6. EQUAL TREATMENT - Has the employer applied its rules, orders, and penalties evenhandedly and without discrimination?

7. APPROPRIATE PENALTY - Was the degree of discipline administered by the employer reasonably related to a) the seriousness of the employee’s proven offense and b) the record of the employee’s service with the employer?

These seven questions help analyze the circumstances in terms of fairness and due process. A “no” answer to one or more of these questions means that “just cause” either was not satisfied or at least was seriously weakened in that some arbitrary, capricious, or discriminatory element was present. And even though these factors originally arose in an arbitration setting, they are applicable in non-union settings as well.
Termination/Discipline Checklist

The following twenty-five questions encompass the seven issues listed on the previous page and include some of the most important questions that every supervisor should ask before terminating an employee (or proceeding with any other disciplinary action):

✓ 1. Have I got all of the facts, and has a proper, thorough investigation been conducted to verify those facts?

✓ 2. Is the proposed disciplinary action for this employee consistent with the treatment others have received for the same offense? In the same department or other departments?

✓ 3. What is the employee's past disciplinary record?

✓ 4. What is the employee's service record?

✓ 5. Is the rule that has been violated a reasonable one?

✓ 6. Has the rule been applied in a reasonable way in this case?

✓ 7. Did the employee know the rule? If not, is it reasonable to think the employee should have known the rule?

✓ 8. If the issue is performance, has the employee been given fair warning (preferably in writing) concerning the seriousness of his or her conduct? (This would not apply for serious misconduct, such as fighting on the job or sabotage, where there is irrefutable proof.)

✓ 9. Was there a record made of such past warning, and is it on file? Who gave the warning? When?

✓ 10. Have similar past violations resulted in little more than a verbal reprimand or even been overlooked?

✓ 11. Does my organization have a past record of strict enforcement for similar offenses? If not, have employees been warned of the intention to strictly enforce the rule?

✓ 12. Have I observed all rules and followed proper preliminary procedures including my employer's disciplinary policies and procedures?

✓ 13. Was there a personal problem that may have contributed to the employee's action?

✓ 14. Does the employee have a reasonable excuse?

✓ 15. Was the employee given a reasonable opportunity to improve?

✓ 16. Was the employee offered a reasonable amount of help and did the employee take advantage of that help?

✓ 17. Did the employee know what was expected of him- or /her?
18. Am I being fair, unbiased, and level-headed, or am I reacting against the employee because of a personality clash, because there was a challenge to my authority, or because of a complaint (either formal or informal) made by the employee?

19. Can I prove the employee’s guilt by direct, objective evidence, or am I relying only on circumstantial evidence or suspicion?

20. What effect will the discharge (or failure to discharge) have on other employees and how will it affect morale?

21. Is the timing of the discharge correct (e.g., to avoid the appearance of retaliation)?

22. Does the punishment fit the crime?

23. What possible alternative is there to discharge?

24. Are we dealing with a potential claim of employment discrimination or wrongful discharge? (e.g., could factors such as age, gender, race, religion, disability, or national origin be an issue?)

25. Do I need assistance from my superior, the human resources department, or outside counsel?

By answering all of these questions you can likely discover the weaknesses in the company’s case before they become a problem. Also, an employer can more likely show that its disciplinary action was based on “just cause,” and as a result, it should be better prepared to defend itself against a claim of employment discrimination or wrongful discharge.

One final word of advice may be particularly helpful when dealing with an employee face-to-face. Keep your emotions in check. If necessary, call a halt to the discussion. One inadvertent comment made during a heated discussion could come back to haunt you if a formal complaint is filed by the employee. The “bottom line” is this: don’t “shoot from the hip” and fire someone without giving the facts some serious thought and scrutinizing all relevant aspects of the situation.

**Conclusion**

When taking disciplinary action, employers will be faced with some difficult decisions that will often have serious legal implications, and there is no magic formula that can insulate an employer from liability. Each case is different and requires sensitivity and self-discipline on the part of all involved.

While the majority of disciplinary actions that occur do not result in any formal complaint or litigation, those that do generally could have been avoided or easily defended with minimal planning and effort. The key is to properly assess the circumstances surrounding the action, act consistently with past actions, and properly structure the disciplinary action.

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preparing to be tomorrow’s leader today

Robert D. Ramsey, Ed.D.

“The future starts today, not tomorrow.”

- Pope John Paul II

Everything’s changing. No matter what field you work in, the earth is shifting. Any supervisors or managers who lead tomorrow like they lead today should have quit leading yesterday. Those supervisors, who intend to lead and succeed in the years ahead, need to prepare to become tomorrow’s leader today. It starts by forecasting what supervision may look like in the future.

1. **Portable Leadership.** It’s happening today. It will be the norm tomorrow. A career in supervision will increasingly become a moveable feast. Managers will no longer be stuck in the same organization, discipline or, even, the same industry for their entire work life.

   True leadership is portable. What works on the factory floor often works in the boardroom as well. Likewise, what succeeds in the corporate world can work in non-profit organizations too. That’s why a retired military officer may be able to successfully run a school district or a CEO from the auto industry may end up leading an Information Technology company.

   Leadership is leadership wherever you find it. More important, it is a commodity that will continue to be in high demand in all fields. Tomorrow’s supervisors will apply their expertise in a variety of settings. If you’re in it for the long haul, don’t get too tied to any one product, service, company or industry.

   Not so long ago, a popular TV series set in the Old West featured a nomadic gunslinger whose business card read, “Have gun, will travel.” This could well be the mantra of tomorrow’s middle manager as well. What will your business card say in the future?

2. **Boundaryless Work Environment.**

   In today’s rapidly changing global economy, work can no longer be limited to a specific time or place. Neither can supervision.

   Four walls and a fixed 9-5 shift don’t work as well when your customers and competition are
scattered all over the world. With laptops, smart phones and fax machines, work can now be done anywhere, anytime.

Best Buy’s pioneer “Results Only Work Environment (R.O.W.E.)” program is a good example. The boundary-less work environment is coming, if it’s not already where you work. Don’t get too comfortable in your office. You may not have one tomorrow. Instead, get ready to work whenever and wherever you’re needed. The world will be your office in the future.

3. Multiple Missions. As technologies and economies change, corporate and company missions will have to form, transform and reform as well. By necessity, they must continuously morph into new visions, passions and purposes. Serial visions and constantly evolving missions are rapidly becoming business as usual.

If you want to get a leg up on tomorrow, be passionate about today’s mission, but remain open to new and emerging missions at the same time. There’s no law that says you can’t switch missions in midstream as realities are realigned.

4. Talent-Driven Job Descriptions. Leaders can only be as strong as the expertise and skill of their staff, team or crew. That’s why the best supervisors excel at scouting, recruiting, igniting and maximizing talent. Tomorrow’s leaders will have to be even more talent-friendly. You can start today.

Too often, the best talent in the workplace is wasted by assigning workers to tasks and functions that don’t match their strengths. In many organizations, a job description is defined and, then, the supervisor or foreman sets out to find or force an employee to fit the prescribed functions. Too often, it doesn’t work out.

Requiring workers to perform tasks or duties that they can’t do, don’t know how to do, don’t want to do and don’t like to do is always nonproductive and, frequently, counterproductive.

A better approach in the future will be to build on existing strengths by shaping jobs around each employee’s unique gifts. Why not start with the talent and build the job around it? When what workers do best is their job, you virtually guarantee success.

When employees are allowed to actually use their real talents on real work, they’re happier, more efficient, more productive—and more likely to stay with the organization.

5. Targeted teams. Traditionally, managers have assigned problems and projects to whatever division, department or team that seemed most logical, appropriate, convenient or handy. Unfortunately, the workers receiving assignments in this way are not always the best people for the job.

Instead, a growing number of innovative supervisors are now forming short-term, interdisciplinary teams with special expertise to handle the toughest assignments. This soon may become the prevailing practice. It only makes sense to put the best brains available to work on the most difficult challenges, no matter where they come from or usually work in the organization.

If you are already using targeted teams to get the most difficult jobs done, you’re ahead of the curve. If not, you’re playing catch-up.

Spotting trends, anticipating new directions and initiating changes (like those above) are key ways to prepare for being one of tomorrow’s leaders. And so is getting better at what you do today.

The More Things Change, The More They Stay the Same

Even in the midst of upheaval, there are still some basics that never change and can help supervisors stay on course. Tools, techniques and targets may change, but the following “laws of leadership” don’t:

- Business begins and ends with customers.
- Passion trumps talent.
- Hard work still works.
- Integrity counts.
- The Golden Rule still rules.
- Good service is as important as good products.
- Leadership is mostly removing obstacles.
- Success is built on relationships.
Obviously, tomorrow’s leaders will need to learn new lessons and adjust to new realities. But first, they have to become grounded in the fundamental precepts above that transcend time and place and provide the foundation for continuous career-long success.

Of course, it’s not just selected basic precepts that never change. Some basic skills are timeless as well. As a leader in today’s (and tomorrow’s) global marketplace, you will need to master some new skills. At the same time, many of the skills that serve you well today will remain essential in the future, including—

➤ communicating skills
➤ mentoring and modeling skills
➤ visioning skills
➤ teaching and learning
➤ skillsplanning skills
➤ motivating skills
➤ organizing skills
➤ evaluating skills

Part of preparing to be a leader in the future is honing the skills that work best in the present. Star athletes know that the fundamental skills in their sport never become obsolete. It works the same way for supervisors, managers and foremen.

A Final Word

The best time to start preparing to be a leader in the future is now. This means studying, anticipating and preparing for future developments and staying ahead of the curve. It also means packing up the best of today’s knowledge and skills to take with you into the future.

Leadership is portable. So is mediocrity. If you’re not at the top of your game today, you won’t be ready to play with the big boys tomorrow.

Dr. Robert D. Ramsey is a free lance writer with extensive front-line experience in supervision and human resource management. He is also the author of more than 20 successful professional books and a frequent contributor to Supervision and numerous other popular journals and newspapers.
If you've invested in the stock market or real estate, the slumping economy has probably led you to take up new hobbies like screaming, crying, or tearing your hair out. Everyone is looking for safe investments that offer the best ROI. For businesspeople, the surefire winners are your employees. Specifically, investing encouragement and support into the people that you work with.

Every time a business makes a deposit of encouragement into an employee, there's an opportunity for instant return, whether it's an up tick in their morale and/or their performance. As a bonus, there's the possibility for encouragement to build and create long-term return. You will have an employee that enjoys their job and regularly goes above and beyond their job description. Naturally, a supportive work environment supports better work.

A good way to look at these managerial efforts is to call them “creating joy on the job.” The key to being a good administrator is recognizing where you are strong, but also recognizing your weaknesses. Surround yourself with people who can fill those weak points. Build them up in those areas so that they'll enjoy what they're doing and do a better job. It's often not easy to get your staff to enjoy their jobs. There are many tools with which you can encourage your employees, here are the top five. They may seem obvious, but it is important not to overcomplicate things and overlook the simple ideas.

**TOP 5 TOOLS TO ENCOURAGE YOUR EMPLOYEES**

1. **A kind countenance**
   This is a fancy way to tell you to smile. Your coworkers will reflect what they see in you. Be a master of making eye contact and giving a smile that communicates, “I really care about you. I’m interested in you.” It is an effective non-verbal way of telling your co-workers they are important to the organization and are making a difference.

2. **A timely word**
   This involves being sensitive to when an employee needs a word of encouragement. They may have had a difficult day, in personal or work matters, and it would mean a lot for their supervisor to acknowledge it. It involves a good sense of timing: saying the right thing at the right time.

3. **An appropriate touch**
   In a society where the threat of sexual harassment seems to inhabit every cross-gender interaction, lost is the thoughtful art of physical contact with each other. Psychological counselors claim that people are deprived of physical contact with the incredible fear of “Will it be misunderstood?”

   For example, take an amateur boxer. Boxing allows the participant to engage in rigorous mental and physical training, expend pent-up energy, and sharpen focus.

   Even after the manly, testosterone-saturated event, more
hugging happens than at Woodstock, especially for the victor. In addition to celebrating with hugs, boxers show respect by touching gloves with their opponent before trying to knock his head off. In sports, physical contact like this is acceptable.

In the workplace, a handshake, a pat on back, or a pat on arm is usually appropriate, and it makes a difference. Obviously, use common sense. Understand your individual relationships with your employees and how your action will be perceived by the employee and by others.

4. **A well-crafted note**

Whether it be via email, text message, or the classic Post-It note, tell your employees how good of a job they're doing. Be creative in letting them know in printed word that you appreciate them - both who they are and their good performance. You never want to hear this kind of complaint in your office, “I never knew if they appreciated what I was doing. I didn’t know if I was doing good or bad.”

Don’t let your employees wonder the same thoughts. Tell them simply when and what they're doing well. You can likely expect to see even better work from them in the near future.

5. **Consistency**

You can’t just make a bank deposit once and expect that savings account to grow. You have to continually invest into it. In the same way, one gesture of encouragement is a good start, but that boost will fade away as the rigors and routines of the job pile up. You have to keep at it.

Also, it would be a bad idea to turn your money over to a financial planner and expect everything to be in order when you retire. You have to be involved. In the same way, encouragement has to come from you - an authentic, personal, and consistent effort from the encourager.

The key to maintaining consistency is looking beyond your own needs and concerns and really knowing your staff. See your employees as more than people who have tasks to do. You should know them and be sensitive to how they communicate, both verbally (comments of frustration, pleas for help) and non-verbally (facial expressions, body language). Do you know when an employee is having a rough day? Can you tell if their behavior is different from other days?

In the end, all of this encouragement not only builds up your employees, but molds you into a better leader. Don’t be a “boss” who throws out an expectation, sits back and waits for it to be met; Develop a coach’s mentality to help your employees reach the goal.

Good coaches drive for the goal, whether it is a boxing match or the bottom line. They also know that encouragement is the key ingredient to getting the most out of their athletes because of the trust that is created when an athlete receives the recognition and the validation for all their work. Your employees will allow you to challenge them to reach greater heights if you take the time to build a relationship where encouragement and acknowledgement play a big role. Don’t forget to celebrate the successes with your employees; teach and encourage them through the hard times and watch your work environment evolve.

Ben Glenn, The Simple ADHD Expert™, journeyed from learning disabled student with ADHD to internationally renowned speaker and author. Glenn is known for his humor, passion and art, creating enormous chalk drawings in a blink of an eye that serve as visible reminder of his challenging messages. His purpose is to inspire his audiences to persevere through life's trials and to learn to live their lives to the fullest by developing their talents and pursuing their dreams. To learn more about Ben, visit www.simpleADHD.com.
This has been a problem for as long as I can remember and it can’t be solved,” the employee shouted at the supervisor. “We tried many times to fix it but nothing worked. There is no right answer and we just need to live with it and go on with our business.”

The supervisor said, “No! That’s just not good enough! We need to look at a problem differently. We must decide if it is a problem. If it is a problem, then does it adversely affect a core value or goal? If it does, then we should plan on how the problem will be solved through a systematic and concerted effort.”

A supervisor/manager must decide if an item in question is an issue or a problem. Making a decision or giving an answer will dispense with an issue. A solution is required if it is a problem. Solve a problem and give it a high priority to work on, if it adversely affects a core value or goal. If it does not, then give it a lower priority and work on it at some future date or set it aside permanently, depending upon its importance.

### Issue Versus Problem

An item can either be an issue or a problem. Webster’s Dictionary defines an issue as, “a point, matter or question to be disputed or decided.” They define a problem as, “a question, matter or situation, that is perplexing or difficult and a solution is warranted.” Define the item in detail, including any pertinent information that adds to understanding the question or dispute. The supervisor/manager must then decide if it is an issue or a problem. If the item needs a decision or answer then it is an issue. It the item needs a solution, then consider it a problem and review core values and goals to determine if they are adversely affected by the problem.

### Affect On Core Value Or Goal

A problem can influence a business operation or activity to a varying degree. Problems that have the biggest impact are those that adversely affect a core value or goal. Review company, division, department and individual core values and goals and decide if they are adversely affected by a problem.

### Core Values and Goals

1. **Core values and goals.** List and review core values to gain a detailed and thorough understanding of them.

   **Review Core Values.** Core values guide a company in conducting its day-to-day and long-term business. An example of a core value may be if a company chooses to operate for short-term results in contrast to long-term growth. A company’s decision to grant a larger stock dividend to shareholders rather than spending more money for long-term investments is another example of a core value. Posted and widely-publicized, core values usually do not change from year to year. Core values are very important because goals support, promote and evolve from them.

   **Review Goals.** A goal is an accomplishment created to produce a result within a specific time, under constraints of costs and limited resources. Four categories of goals are company, division, department and individual. The company develops organizational goals to support and promote its core values. A division/department creates goals to support organizational goals.
Individuals create goals to directly or indirectly support division/department goals. Goals should be sequentially set from the top of the organization down to the individual, and should be complimentary and support each other.

2. **Adverse affect on core value or goal.** The supervisor/manager needs to review the problem and decide if it adversely affects a core value or goal at any level of the organization. Give a problem a low priority to work on if it does not affect a core value or goal. Assign a problem a high priority if it adversely affects a core value or goal. Pre-planning on methods to use to solve a problem will help make the problem-solving process run smoother and have a greater chance to succeed.

**Pre-planning**

Pre-planning a problem solving effort is usually unpopular. There is little notoriety given to it. Problem-solving results usually receive rewards. Pre-planning efforts seldom receive rewards. However, pre-planning is the key to a successful problem-solving effort. Pre-planning involves: 1) defining and setting a goal(s) to be achieved; and 2) deciding on how the problem will be solved.

1. **Define and set a goal to be achieved.** To be successful, define a goal(s) to be achieved: specify the current condition, state the desired condition, break the problem down into clear and concise parts and summarize the problem.

   **Specify the current condition.** Gather all available facts and define the current condition of the problem in writing. Use only facts, not opinions, or unsubstantiated ideas when explaining the problem. Be clear, concise and specific in stating the problem and its impact.

   **State the desired condition.** Decide on what result is wanted or required. Be specific and detailed on exact values of the goal of fixing the problem will be. Also be realistic — needs to be something that is achievable within time and resource constraints.

   **Break problem down.** Breaking a problem down into its logical and sequential parts aids in working on and solving the ‘root’ cause of the problem. It is more productive to work on and to solve parts of a problem that will ultimately lead to the solution of the entire problem.

   **Summarize the problem.** Consolidate the information acquired. Summarize it into an exact and detailed statement of the problem, desired results and major parts to gain clarity and understanding.

2. **Decide how the problem will be solved.** Answer five pre-planning questions: who, what, when, where and how will the problem be solved? A plan should be specific and use as much detail as is necessary to ensure a successful problem-solving effort.

   **Who** — An individual or a team (two or more people) can solve a problem. An individual may work to solve a problem if it is not extensive and does not require a major undertaking. Form a team if an extensive investigation is required. Select team members who will benefit a team process and who are creative, curious, possess the ability to see things from different points of view, get along well with others and have knowledge of the problem.

   **What** — Review the problem statement and add any other relevant information which will aid in a problem-solving effort. Assure that all those concerned know they need to solve the root cause of the problem. The problem will not reappear in the future if what caused it to occur is solved.

   **When** — Set start and target completion dates for the problem-solving effort. Work on a problem either on a part- or full-time basis. Revise estimates in the future when the individual/team advances further into the problem-solving process. The individual/team will become more knowledgeable of the extent of the problem and how long it will require to solve it.

   **Where** — Work on a problem in company facilities or off-site. If individual/team members will be working on a problem on a part-time basis, an on-site location may be advantageous. If the problem-solving effort will be a full-time endeavor, an off-site location may be best. Find a quiet location where interruptions and distractions are held to a minimum.

   **How** — The individual or team needs to have a plan on how to
solve a problem. The plan should include: detailing the problem in written form, determining the root cause, a list of criteria on choosing the best solution, an action plan, executing and updating items in the action plan, following up on results achieved and taking any required corrective action.

Consider several other items to benefit the problem-solving process, in addition to setting a goal(s) to be achieved and deciding how a problem will be solved.

## Additional Items
### To Ensure Success
Several important concerns should be in effect and known by everyone involved before starting the problem solving.

1. **A company should promote individual initiatives.** Individuals are the driving force behind goal attainment and problem solving at every organizational level.
   
   Give awards for initiatives taken by individuals. They should be different from those given for results.

2. **Determine a problem’s root cause.** Decide what caused a problem to occur — its root cause.
   
   Correct the root cause.
   
   Participants need to know this before starting to solve a problem. Solving the root cause of a problem, rather than a symptom, will ensure the same problem will not arise again in the future.

3. **Give authority to an individual/team to make necessary decisions.** Give the individual/team clear responsibility and accountability to solve a problem.
   
   Discharging their responsibilities to meet goals must not be constrained by a lack of authority granted.
   
   When the level of authority is at least equal to the responsibility given, the individual or team operates freely and without restraint.
   
   This will help to arrive at and implement the correct solution to a problem.
   
   Problems continually arise to plague daily and long-range business efforts, plans and goals. Identify and solve those problems that adversely affect either core values or goals and solve them.
   
   Pre-planning is the key to successfully solving a problem.

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preplanning flow chart

Problem

Does It Adversely Affect A Core Value And/Or Goal?

NO

Define And Set A Goal

Who?

What?

When?

Where?

How?

YES

Start Problem Solving Process
is your leadership strong enough?
three pillars of strength to help leaders in tough times
Joelle Jay, Ph.D.

In the current economic climate, where businesses are merging, downsizing, and outsourcing at mind-boggling rates, it’s hard to maintain your leadership equilibrium. To keep from getting knocked off your feet, you need to have something stable to hold onto – something that will keep you on steady ground when all around you is shaking and/or crumbling.

Unfortunately, most people don’t deal with change in a positive way. They become overwhelmed; and instead of taking care of themselves so they can withstand the daily onslaught of change, they try to prove their worth by working longer and harder so they’re not the next one escorted out the door. As a result, they’re not only stressed from the current situation, but they’re also tired, disengaged, and dissatisfied with both their professional and personal lives.

What these leaders need to realize is that doing extra work, staying late, and taking on more responsibilities will not keep you strong. It’s time to upgrade that way of thinking. You don’t just need to work hard. It serves no one for you to stay at work at all hours, eking out shoddy deliverables through squinty eyes, powered by fast food and triple lattes. “Getting ahead” has less to do with time and effort than it does thoughtful, reflective consideration: the kind of “inner work” that allows you to choose who and how you want to be, and enables you to work in a way that supports your life.

In fact, when you do this kind of inner work, your external circumstances no longer matter. Because you have a strong sense of self, a strong character, and a strong internal support system, you can weather any storm.

If you’re ready to start this inner work – the kind that will help you reaffirm your leadership edge – then start with the following three pillars of strength.

Your values
Your vision, your goals, and your actions don’t automatically lead to fulfillment. No matter how good you are or how successful you become, your accomplishments will feel meaningless if they’re not congruent with the values in your
When you clarify the values that guide your life, define the specific ways they enhance your experience, and learn to live in integrity with those values, you are able to find a renewed sense of purpose and joy. That’s when your happiness and stability become a choice rather than an achievement.

To begin to reconnect with your values, answer the following:

- **What do you really stand for?**
- **Are you honoring those things?**
- **What’s most important to you?**
- **Are your values in alignment with what your organization values?**

When your values drive your everyday activities, every day feels like a success, no matter what’s going on around you.

**Your strengths**

In order to excel, you need to build on your strengths and minimize your weaknesses. This idea was popularized by “the father of strengths psychology,” Dr. Donald Clifton. His research touched off what is now known as the “strengths movement” - a groundbreaking way of thinking that capitalizes on strengths to help people grow.

Using this approach, in order to be your best, you maximize your strengths and manage your weaknesses. By doing so, you are emphasizing the elements of you that are enduring and unique.

When you develop an approach to leadership that uses all of your attributes in the most advantageous way, you save time, energy and effort. You get better results, because you are doing things in the way that works best for you. You discover what it truly means to achieve success with quality of life, because they become one and the same. Best of all, you do this not by changing who you are, but by becoming more of who you are.

So ask yourself the following:

- **Where are you especially talented?**
- **What do you do without even thinking?**
- **What do people count on you for?**
- **What activities would you gladly never have to do again?**

Are you doing the things you do really well so you can contribute your most to your organization or to the endeavors you take on?

Remember, you need to go beyond just getting the tasks done, as that doesn’t serve anyone, especially in today’s market. Rather, you need to use your strengths to stay on top. The companies that survive aren’t the ones who just get tasks done. They figure out what they do well and then they do it. To stay successful, you need to do the same.

**Your support team**

Building your support team means identifying the people in your life who are smart, experienced, insightful, perceptive, challenging, and inspirational, and then asking them to support you in your success. This team is probably not the team you already have in place. We’re not talking about your assistant, your employees or your vendors. These people help you get your work done; they exist for the betterment of the business.

The support team you want in place is one who can help you reach your vision and goals; this support team exists for the betterment of you. This distinction is subtle but key. Your team is made up of leadership all-stars: your role models, mentors, and inspirations. As members of your personal support team, these people are committed to you no matter what your vision, where you work, or what goals you choose. They advise you, support you, advance you, and elevate you.

When thinking about your support team, ask yourself the following:

- **Who will you ask to be a part of your support team?**
- **How will you maintain the relationship?**
- **When times get tough, are you able to reach out to your team?**
- **Are you there for your team to reciprocate?**

While you definitely need team members who are committed to the day-to-day work, you also need
people who are devoted to you: to your success, your decisions and your vision. After all, when the ground beneath you starts to shift, you can either run and hide or you can reach out to others for support. Smart leaders choose the latter.

**Changing Times**

Change in business is inevitable. Sometimes the changes are subtle, and other times they’re downright scary. However, no matter what happens in your external world, if your internal world is in order – if you’ve developed your values, your strengths, and your support team – then whatever happens externally won’t cause you to lose your footing. So if you’ve neglected the inner aspects that make you successful, now is the time to refocus your energy and build your inner resolve. By doing so, you’ll be able to weather the economy’s ups and downs unscathed... and prosper for many years to come.

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The advent of cold and flu season comes with numerous workplace issues. These include varied employee problems. Some employees look for any excuse to stay home from work. How does a supervisor tell when an employee is really sick? Some employees come into work no matter what, even if they are terribly ill. Can an employer send such an employee home and require the employee to stay there until he or she is well? How can a supervisor determine if an employee is sufficiently recovered to come back to work? What if other employees protest working with a sick employee? How can a supervisor make sure that necessary work can be performed? What if many employees are out of work, whether because of their own illness or that of a family member, or such factors as school and/or public transportation shutdowns? What if the supervisor is ill? Can employees work at home? Does the company have to accommodate sick employees? To what extent can the company be proactive in handling such illness-related issues? What kinds of questions can they ask employees, and what kinds of medical procedures can they require? Can a company require employees to receive flu shots or take an employee’s temperature?

While these types of questions arise every year, this year creates more serious issues for companies because of the spread and severity of the H1N1 virus. Already declared a public health emergency, H1N1 led to United States President Barack Obama declaring a national emergency in late October. An epidemic is an outbreak of disease that suddenly occurs in much greater numbers than normal and spreads within communities, states, or a limited number of countries. A pandemic is an epidemic that has become global. The H1N1 virus is currently classified as a pandemic. At the end of October, the virus was widespread in almost all states and had resulted in over 1,000 direct deaths, with many more deaths that may be related to the virus, and more than 20,000 people hospitalized.

Employers have been encouraged by federal and state agencies to be proactive in having a plan in place to deal with the pandemic. However, many employers are not aware of the legalities that need to be taken into consideration when planning for and dealing with a pandemic. A number of these
Legalities involve employment law. Improper handling of workplace illness can result in employer liability under Title VII of the Civil Rights Act of 1964, in particular under the provisions dealing with national origin and religious discrimination, and under the Americans with Disabilities Act.

In terms of national origin discrimination under Title VII, employers may find themselves facing the greatest likelihood of liability if there is unequal treatment of employees based on their country of origin. For example, this might occur if employers treat employees from Mexico differently without valid reason. Although H1N1 was prevalent in Mexico earlier than in the United States, its widespread existence in the United States makes this less of a problem now in terms of national origin discrimination than a few months ago.

Title VII also interfaces with the Americans with Disabilities Act in travel situations. Employers can require employees returning from an area in which widespread illness is occurring to remain at home a few days before returning to work in order to make certain that the employees are not asymptomatic. However, companies should make sure that they are treating all employees returning from such geographic areas in the same way. And, they should make sure that the nature of the illness is such that precautions are necessary.

Specifically, the company should check to see if the Centers for Disease Control and Prevention (CDC), or state or local public health authorities, recommend that individuals who visit certain locations stay at home for a few days to make sure they do not have pandemic influenza symptoms. If the appropriate government entity has made such a recommendation, the employer may ask employees if they have visited those locations either for personal or professional travel. If the employees have visited those locations, the employer may ask the employees whether they have been exposed to pandemic influenza while they were away, and may require such employees to stay home for the requisite period of time to insure they are asymptomatic.

Religious discrimination issues may arise under Title VII when an employee protests a particular medical treatment for disease. This is most likely to occur with the influenza vaccine. Some companies are considering requiring employees to take the vaccine. The EEOC, however, advises that companies should encourage employees to receive the influenza vaccine rather than require them to take it. An employee may have a religious belief, practice, or observance that prohibits him or her from taking the vaccine. In such circumstances, the employer is required to reasonably accommodate the employee unless it would pose an undue hardship, that is, more than a minimal cost, to the operation of the company.

Vaccines may also raise issues under the Americans with Disabilities Act. For example, some individuals are allergic to an ingredient in the vaccines, and their physicians may believe that the risk of a severe allergic reaction outweighs the value of the vaccine. In such cases, under the ADA, the employer is required to reasonably accommodate the employee's disability. Again, a better approach to mandated vaccination is suggested vaccination.

Although Title VII can raise pandemic legal issues, most of the legal issues fall under the ADA. The Equal Employment Opportunity Commission in October issued a document entitled “Pandemic Preparedness in the Workplace and the Americans with Disabilities Act” to help employers deal with the pandemic and influenza issues within a legal framework. That document is located at www.eeoc.gov/facts/pandemic_flu.html. This article contains the suggestions and guidance provided in that document in an abbreviated form. Additionally, companies should keep abreast of communications from the CDC and state and local public health agencies. With pandemics, the situation can change frequently, and with it, what employers are allowed to legally do with respect to workplace issues.

In addition to provisions related to public accommodation, such as building requirements, the ADA prohibits employers with 15 or more employees from
discriminating against qualified individuals with disabilities. Furthermore, employers are required to reasonably accommodate employees with disabilities unless it would cause undue hardship. What constitutes a reasonable accommodation varies tremendously, but in general it is a work modification that provides an individual with a disability an equal opportunity to apply for or perform the essential functions of a job. The ADA standard for undue hardship is different from the Title VII standard. Under the ADA, an undue hardship is present when it would be significantly difficult for the company to reasonably accommodate the employee. Factors that are important are the nature of the disability, the nature of the accommodation, the nature of the job and the business, the costs of the accommodation, and the resources of the company, among others. If one accommodation might constitute an undue hardship, an employer must consider other accommodations that do not. An employer does not have to reasonably accommodate an employee with disabilities if that employee would be a direct threat to their own health and safety or the health and safety of others. A direct threat under the ADA is “a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” The assessment of direct threat involves a consideration of the risk, the severity, the immediacy, and possible accommodations.

There are three major ways in which the ADA is involved in pandemic situations. The first deals with disability-related questions and medical examinations for applicants and employees. The second deals with exclusion of employees from the workplace. The third deals with reasonable accommodations for individuals with disabilities. The EEOC’s document provides guidance for employers before a pandemic, during a pandemic, and after a pandemic.

Before a pandemic. Companies are encouraged to have a plan to deal with pandemic-related issues and to have a coordinator or team responsible for the plan. The group developing a plan should have at least one individual familiar with employment laws and also provide for input from employees with disabilities. Government resources should be monitored for information relevant to the plan. In addition to the EEOC’s document, the CDC has a communication entitled “Guidance for Businesses and Employers to Plan and Respond to the 2009-2010 Influenza Season (2009),” http://www.pandemicflu.gov/professional/business/guidance.pdf. Additional resources are the U. S. Department of Health and Human Services, and state and local health agencies.

Before a pandemic, employers are not allowed to ask employees to disclose if they have a compromised immune system or chronic health condition that the CDC has said could make the employee more likely to suffer complications from influenza. They may, however, ask questions about specific symptoms, such as cold symptoms, that are not likely to reveal the existence of an underlying disability. Companies can make non-disability related inquiries designed to identify possible reasons for absence from work during a pandemic if they include non-medical reasons as well as medical reasons on an equal footing and do not require the employee to identify the particular reason.

An example is provided by the EEOC in its guidance document in the form of a sample survey. The survey asks employees if, in the event of a pandemic, they would be unable to come to work because of any one of several reasons. The reasons listed are: child care if schools or day-care centers are closed; other dependent care if other services are not available; inability to travel to work if public transport is sporadic or not available; and/or, high risk of serious complications from the pandemic influenza virus with respect to the employee or a member of the household as defined by the CDC (pregnant women, individuals over 65, individuals under 65 with underlying chronic conditions, and individuals with compromised
immune systems such as those with cancer, HIV, organ transplants, or other medical conditions), in which case the employee would be advised by public health authorities not to come to work. Employees taking the survey are directed to answer simply yes or no to the questions as a whole, without identifying the specific factor that applied to them if they checked yes. That approach allows the employer to identify the extent to which absences might occur without requiring the employee to reveal confidential medical information.

Under the ADA, employers are not allowed to ask applicants about disabilities or require a medical examination before a conditional offer of employment. However, they are allowed to require new entering employees to have a post-offer medical examination to ascertain their general health if all entering employees in the same job category are required to have the medical examination and if any medical information collected is kept confidential and separate from other personnel files. If the medical examination reveals that a job applicant has a medical condition that would increase the possibility of complications from influenza, the company cannot withdraw the job offer unless the applicant would pose a direct threat to himself or others under the strictures of the ADA.

Making a determination of direct threat with respect to an applicant requires the use of reasonable medical judgment, employing the most current medical information and/or the best available evidence, such as information from the CDC, or state or local health authorities. Normal seasonal influenza or the milder form of H1N1 present in spring/summer 2009 would not pose a direct threat under ADA guidelines. However, a more severe form of pandemic influenza would. CDC and state or local health authority proclamations are critical in making this determination, and employers should make their best efforts to stay apprised of public health statements and make reasonable decisions based thereon.

With respect to job applicants, an individualized evaluation of the applicant is made to determine the direct risk issue in which the individual’s present ability to perform the essential functions of the job is determined, along with the immediacy of the risk, severity of the harm, and the availability of reasonable accommodations to reduce the risk. If a reasonable accommodation would reduce the risk to the point that it would not constitute a direct threat, then the employer will be expected to provide that accommodation. For example, if a post-offer medical examination revealed that the applicant had a compromised immune system due to cancer treatments, but the applicant would not normally be exposed to the influenza virus because it had not spread to his geographic area, the company could not rescind the offer. If the applicant would be flying back and forth to locations where the virus was widespread, or the virus was rampant in the area in which the employee worked, the company might not be able to reasonably accommodate the threat exposure to the virus would constitute.

During a pandemic. Once an influenza pandemic has been declared, there are various steps an employer can take to minimize the threat to the workplace. Companies can require employees to use various infection control practices, such as regular hand washing, use of hand sanitizers, proper sneezing and coughing practices, and correct handling and disposal of tissues. Employees can also be required to wear personal protective equipment, such as face masks, gloves, or gowns to reduce the spread of infection. In the event an employee with a disability needs a modification of personal protective equipment, such as non-latex gloves or a gown designed for wheelchairs, a company is expected to provide the modification as a reasonable accommodation unless it would constitute undue hardship. Companies also can encourage employees to work from an alternative location, such as home, as an infection-control method. As noted earlier in this article, employers are generally advised not to require that employees be vaccinated, but to suggest that employees be vaccinated.
If an employee is not experiencing influenza symptoms, the company cannot ask whether the employee has a medical condition that could make him or her more susceptible to complications from influenza and cannot require a medical examination. A medical examination involves a procedure or test designed to find out medical information. Whether a procedure constitutes a medical examination depends on a variety of factors, such as whether it involves medical equipment, is invasive, is designed to find the existence of an impairment, and is given or interpreted by a health care professional. However, sometimes an employee with a medical condition or disability may volunteer that information to the company. For example, the employee might request an accommodation that would make it less likely that the employee would contract the virus. An employer may ask what type of assistance or accommodation the employee would need, for example, teleworking (working from home or an alternate location) or time off to keep a medical appointment. Any medical information obtained from the employee in this manner should be kept confidential.

If an employee with a known disability unrelated to the pandemic is provided with an accommodation at work during times in which a pandemic is not present, the employer should continue to provide him or her with the accommodation during the pandemic. This applies even if the employee is teleworking. For example, if an employee utilizes a screen-reader on her computer at work as a reasonable accommodation, and the company provides employees with notebook computers to use at home during a pandemic, the company should provide that employee with a screen-reader to use at home. If a particular accommodation would constitute an undue hardship, the company and employee are directed to work together to find a reasonable alternative. The EEOC mandates that all management employees with disabilities receive reasonable accommodations made necessary by pandemic conditions absent undue hardship. For example, a hearing-impaired manager who is part of a company’s emergency response team might require a video relay service to perform her job and keep the company functional while working from home.

If an influenza pandemic is assessed by the CDC or local or state health authorities to be more serious or severe, employers may have sufficient objective information from those authorities to make a reasonable determination that employees will face a direct threat if they come down with the influenza. Then and only then can an employer engage in disability-related questions or require medical examinations of employees without symptoms to ascertain if they are at higher risk of complications from the virus.

Whether the situation involves the more usual seasonal influenza or the pandemic influenza, companies can ask employees if they are experiencing flu-like symptoms, such as fever, chills, coughing, or sore throats, but any illness information obtained must be kept confidential. Taking an employee’s temperature is considered a medical examination and is normally not warranted for a simple cold or if the symptoms are characteristic of seasonal influenza or the milder H1N1 virus in the spring and summer of 2009. Furthermore, not all influenza victims have a fever. However, if pandemic influenza becomes more widespread locally as measured by the CDC or local or state health authorities, employers are then allowed to take the body temperature of employees.

If an employee is experiencing flu-like symptoms, he or she should be allowed to stay home from work. If the employee comes to work but has symptoms characteristic of regular, seasonal influenza or the milder spring/summer version of the H1N1 virus, the CDC states that such employees should leave the workplace, and the company should advise the employee to go home. When the employee’s symptoms are severe enough to constitute a direct threat, the company can send the employee home. Irrational fears about an employee’s medical condition cannot be used to assess whether
an employee constitutes a direct threat to the workplace.

An employee who is absent from work can be asked the reason the employee is not at work if the employer suspects the employee may be absent for a medical reason. An employer is always entitled to know the reason for an absence from work and the employee’s projected date of return.

After a pandemic. After a pandemic, an employer can ask an employee who has been away from work to provide a doctor’s note certifying that the employee is fit to return to work. Because doctors’ offices are likely to be overloaded during a pandemic, alternatives to a doctor’s note may need to be developed, such as an e-mail or form or stamp from a local clinic.

Throughout the entire process, a good faith effort to keep abreast of pronouncements from the CDC and state and local public health authorities is vital.

**IN A NUTSHELL**

(1.) Cold and flu season brings with it workplace issues that may involve employment law.

(2.) Provisions of the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964 are applicable to business decisions regarding influenza pandemics.

(3.) The Americans with Disabilities Act provisions that are relevant to influenza pandemics include those dealing with medical questions and procedures, accommodation, exclusion from the workplace, and direct threats.

(4.) Title VII of the Civil Rights Act of 1964 provisions that are relevant to influenza pandemics include those dealing with national origin and religion.

(5.) A recently published EEOC document provides important information to supervisors and other managerial employees about issues related to influenza pandemics, including appropriate questions and medical procedures, accommodations, and absence policies.

(6.) Supervisors and other managerial employees should routinely monitor pronouncements from the CDC and state and local public health authorities in order to reasonably make decisions with respect to a pandemic in accordance with applicable law.
help your manager & help yourself
how your supervisor can help you climb the corporate ladder

Kim Goff

Let's face it. Times are tough, and many industries are still experiencing cutbacks, layoffs and salary freezes. That doesn't mean it's time to slack off at work, however. It's just as important – if not more important – to make yourself a valuable resource and to try to move ahead with your career, even if your options are limited.

To that end, supervisors and managers can be a valuable resource when climbing the corporate ladder, not just because they sign your paycheck or approve that promotion, but because they can offer you valuable knowledge; knowledge that can lead you toward career advancement and a sense of fulfillment.

Your supervisor is a great resource for you to learn about the history of your company, how to improve your job performance and how to increase your chances for promotion. Instead of avoiding, loathing or fearing your supervisor, try to view them as someone who can help you advance your career.

Here are three ways to utilize your supervisor as a resource:

**Model their behavior**
If your supervisor is in the position you aspire to, “model” them. That doesn't mean to dress, walk or talk like them. It means researching their rise and taking similar steps in your quest. Finding out as much as you can about your supervisor's climb up the corporate ladder can provide you with a potential blueprint for how you can achieve that same position.

When the time is appropriate (such as lunch time or during an office party), get to know your supervisor or manager better. Try to ask the following questions:

**What did they major in? What type of degree do they hold?**

**Did they take any specific on-the-job training?**

**What about their work history - did they work different positions in the company to get to where they are today? Was it one specific job that got them where they are today or was it a progression of jobs?**

If your supervisor seems annoyed by these kind of questions, take a hint and do not persist. You want to learn from their professional experience, but back off if he or she seems unwilling to share.

**Communicate regularly - not just once a year**
Talking with your supervisor about your progress and how you can improve your chances for
promotion can help you immensely. The majority of employees dread the annual or semi-annual evaluation. Instead, use this review to your advantage. Ask what he or she sees as your specific strengths and weaknesses. Ask, "What can I do to improve my overall job performance?" This eliminates any guesswork trying to figure out what you can do to get that promotion. A good supervisor will always be honest with you and tell you what you can do to improve your job performance.

When a supervisor informs you of your weaknesses in terms of job performance, don’t take it as a harsh criticism. Be grateful for this type of information; use it to forge ahead and show that you are eager to improve. Treat your supervisor with respect and show her you have the right skills and drive for advancement. Good managers and supervisors want to see you succeed! The more knowledgeable you are about performing your job and improving your work performance, the more “noticeable” you will become to your supervisor. When they are meeting with business executives and leaders to discuss forthcoming promotions, YOU will have a good chance of being one of those people nominated. Or, you may be the first person they think of if a new position becomes available!

And don’t forget to touch base with your manager or supervisor on a regular basis. Yearly reviews aren’t enough in terms of communication. Go out of your way to discuss ideas, business trends, company or department improvements with your supervisor on a regular basis. By taking a proactive step toward communicating in a positive, helpful way, you can be the person that stands out in his or her mind when the time comes for a promotion or raise.

Co-workers may also be a reliable resource to you. They may not know specifics about the supervisor you are trying to model, but they may know general requirements expected or preferred for the type of job position you desire.

Network

Use your supervisor as a liaison to network with executives and leaders in your company. Getting face time may sound shallow, but people don’t really know you unless they meet you. E-mail is not enough to create a solid networking relationship. Your supervisor can introduce you to influential people (company leaders, industry experts, important clients) who can help you in your career advancement. Through your supervisor or manager, you can find out about conferences and social events where you can start laying the “groundwork” for beneficial relationships. Getting your name and face out there will help influential people remember you.

Another way to make network connections and get noticed is to volunteer for company events. Always go to your supervisor first and ask permission to participate in any volunteer activities within your company, and make sure it does not disrupt your day-to-day business activities, or make your supervisor’s job difficult.

Working with your supervisor instead of against him or her can help you get ahead in your career. You should never fear your supervisor or feel inferior. Use your supervisor’s knowledge and experience to your advantage. You do not have to agree with his or her personal ideas, laugh at their jokes or obey their every command. However, you should show your supervisor the respect you would want in return. By using your supervisor as a resource you can gain the knowledge and connections you need to advance your career.

Kim Goff is a professional speaker, freelance writer and author, who currently works as a communications director for the United Way of York County. She speaks on overcoming obstacles, life balance and women in the workplace, and is author of “Female Empowerment – A Personal Journey.” To hire her for your next speaking engagement, e-mail: kimandbill1@comcast.net.
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When his daughter emerged from the bridal shop dressing room she exclaimed: “Oh Daddy, isn’t it beautiful?”

As the father squinted at the price tag, he replied, “Honey, I don’t mind giving you away, but must I gift wrap you, too?”

A surgeon, an architect and a politician were arguing about whose profession was the oldest. The surgeon’s opinion was that his profession dated back to the Garden of Eden when Eve was formed from Adam’s rib and surely that was a surgical procedure.

The architect protested that long before Adam and Eve, order was created from chaos and that was architecture at its best.

But before the two could argue any further, the politician asked with obvious pride, “And who do you think created chaos?”

A parking lot is where you take your car to have the dents put in.

There is a certain inconsistency in the way we insist that the butcher’s scales be strictly honest but we have no objection if the bathroom scale fools around a bit.