



2 A Serious Threat

What do you do if you feel an employee you want to discipline or fire is a serious threat? This is a situation that could happen when an employee is mentally unstable, physically powerful, part of a culture of violence, or even has criminal connections. Sometimes employers can get into this situation if they miss the danger signs when they are first hiring an employee. Other times it can happen if they hire someone through a government outreach program that is encouraging the hiring of troubled youths, former drug addicts, or ex-cons. Such programs provide a great opportunity for individuals who otherwise might not be employed to turn their lives around. They work well much of the time, but once in awhile, someone slips through who is not ready for primetime employment.

That's what happened to Joy and her husband, Dave, who had been working as independent contractors in construction administration for 14 years. The job involved overseeing contracts for large public works clients, such as the city water company. After they became too busy to handle a job themselves, one water company asked them to hire a construction clerk and told them exactly who they wanted to hire: James, a strapping, 6'9", street-savvy former high school football star, who was a drinking buddy of the manager of the project. Another reason the water company wanted to hire James was because he would help meet the requirements for hiring rehabil-

itated members of the local community, since he was an ex-convict who lived in the city. James had served prison time for a violent assault during a drunken brawl outside a bar. And supposedly he had worked as a clerk on a similar job in the past.

Since Joy knew she had to hire James to get the contract, she conducted only a brief interview with him and didn't do any background check with his past employers. She also overlooked any warning signs, such as when James asked about and seemed more interested in the vacation time and medical benefits than in the actual work he would be doing.

The problems started soon after James started on the project. His job involved handling all the documents generated by the project. While there wasn't much to do in the first few weeks, he didn't prepare for the coming deluge by setting up any kind of filing or organizational system. In fact, Joy wasn't sure what James did, since James didn't keep her informed; he just reassured Joy when she called each week that things were going well. And since Vicky, the project manager, didn't report any complaints—at least not then—Joy thought things were fine. However, James quickly abused his vacation and sick leave days, by using up five out of ten days in the first month of the project, and the rest in the second month.

At the same time, Vicky became afraid of controlling or disciplining James. When she set up some job requirements or corrected him, James would seem reluctant to make the requested changes, and frequently joked, "Hey, if you don't watch out, I'll throw you in the creek," referring to the large creek which roared by about 100 feet from the water building. Though James said the words in jest, there was a scary subtext, as if he might really do it.

Then, more problems developed in the second month when one of James's two sons, 15-year-old Jeremy, got shot five times during a drug deal gone bad, and his cousin was beaten up and later died. So James needed some extra time off to deal with that, and Joy went in to sub for him for the first time. When she did, she discovered that James hadn't set up any filing system, and when she checked the computer, she found a badly written resume that James had prepared for his other son. "I was really shocked," Joy said. "The English was so bad, and I was surprised because James had held a similar job before on another city project without any complaints about him. But then when I called his former employer, I learned

that she was a quiet, very passive boss. James had done minimal work there, and pretty much chose his own hours and what to do. It was as if his boss was afraid to say or do anything to set limits or rules.”

Yet, for a time, Joy and Vicky tried to support James because of the shooting of his son. But then, when Joy had to go in to sub for James again to file and organize some documents, Vicky and an inspector working on the project explained to her that James just wasn’t working out. The next day, when James came to work, Joy went in to train him and found the experience unnerving. “He was very defensive,” Joy explained. “He was wearing a dark sweatshirt and dark glasses, and he argued with me about his performance. He didn’t want to listen and he was resentful. He denied doing anything wrong or taking advantage of anyone.” So Joy, feeling a little threatened at trying to do more, simply spent a few hours showing James the filing system she had set up for him, then left.

Finally, things came to a head two weeks later, when Vicky and the inspector asked Joy to come in again and told her all the things that James wasn’t doing. Then they told her, “You’ll have to fire him.” Moreover, they didn’t want Joy to replace James with anyone else because “we have no budget for that anymore.” Just to be sure that this situation with James wouldn’t hurt their stellar reputation with the water district, Joy contacted the city’s regulatory agency in charge of the outreach program and sent a letter of explanation.

Then she had to deal with firing James. Since Vicky and the inspector didn’t want James to return, Joy packed up his belongings. But she didn’t want to bring them to James’s house or have James come to her house because, as she explained, “I felt threatened by him. I felt that James was hiding behind humor in his threats to Vicky, such as saying, ‘I could throw you in the creek,’ and I knew his son had a gun and was part of the drug world. So in case the firing upset him, I wanted to meet him in a neutral place.”

Joy called James and told him that “the district informed me that I have to fire you.” At once, James began pleading about how he would have no job and medical coverage, which he desperately needed because of his high blood pressure. Joy explained she didn’t have any choice, but offered to let him file for unemployment even though she didn’t have to because she was firing James for cause. Then she arranged to meet him at the water district’s conference

room to return his belongings, and she brought her husband to the meeting, afraid to meet James alone.

She found that James's anger was directed at Vicky and the inspector, not at her, and she just listened as James griped on and on about them; then she gave him his belongings. And afterward, she felt relieved that James wasn't angry at her. "It was scary because of his size and the criminal element in his family. I felt he could really harm me or my husband if he wanted to. In looking back, I feel like he was someone who worked the system. He had no work ethic and he didn't have the word processing or other skills to do the job. But he was able to manipulate and frighten people to get his way."

What Might Joy Have Done Differently?

Was there anything that Joy might have done differently, knowing that she had to hire James if she wanted to get the contract job? In Joy's place, what would you do and why? What do you think the outcomes of these different options would be? Here are some possibilities:

- Don't take the job if the only way you can get it is to hire James.
- Provide some extra training and supervision for James—even if you aren't expected to—to make sure he is doing the job the way it should be done properly.
- Give James guidelines in the beginning about how much of his ten-day vacation or sick time he can use during the year, such as one day the first month, two days the second month, three days the third month, etc., so he can't abuse the privilege.
- Ask Vicky, the project manager, to give you a weekly report for the first few weeks so you can check if things are working out and if James is doing what you expect him to be doing.
- Stop in once or twice unexpectedly during the first few weeks to check on what James is doing and learn if he needs any help with the work.
- Take James's joking threats seriously and discuss your concerns immediately with Vicky, as soon as she mentions them.

- Ask Vicky to keep records of what James is doing.
- As soon as you find through early checking that James isn't doing the work and won't respond to your efforts to correct and train him, tell Vicky that you think James should be terminated and replaced with someone else. Don't wait for Vicky to come to you asking to fire James.
- Other?

This is certainly a tricky situation because of social and public policies supporting the hiring of disadvantaged employees. Some people may use these policies to manipulate the system and keep employers afraid of requiring them to do a full day's work or terminating them for poor performance. Ideally, it would be best to not hire an employee as soon as you sense that employee means trouble, which is what Joy sensed about James. But in some industries, this may not be possible because of industry practices, contracts, or other factors. You may need the work and so you hope for the best, which was the situation Joy and her husband were in.

However, once an employee becomes a serious threat, it is important to take proper action to carefully terminate that employee to get him or her out of the office, and then act to reduce the chances of any retaliation. In addition, if you have any evidence that the threat may be carried out, call the authorities so you get your fears on record. If necessary, ask for a restraining order, too, or warn others who might be at risk. For example, when James spoke about his anger at Vicky and the inspector, Joy might have passed on a warning about James's anger since it could possibly lead to his trying to hurt them or the project in some way.

Joy might have also instituted a hands-on training program for the first day or days that James was on the job, even if the project manager was in charge. Then, as she found gaps in James's knowledge needed for the work, she could do more intensive training in that area. Even though James supposedly had worked on a similar job without complaints from his superiors, Joy shouldn't have taken anything for granted; instead, she should have observed firsthand what James did and compared that to what James was supposed to do. It might be particularly helpful to use modeling in training James, such as by showing James how he should set up a filing sys-

tem by creating the first few files, and afterward observing how he does on his own.

Possibly, too, when Joy found James being resistant and resentful, she might have called him on his behavior. She could have asked him to take off his dark glasses because that was making it hard to talk to him, emphasizing that it was important to listen in order to learn how to do the job well. Maybe, too, she might have called out James when she sensed he was being resentful by saying she sensed James felt this way and hoped to find a way to make the job more satisfying for him. She might have also pointed out how James was risking his job if things didn't change. And she might have pointed out her own efforts to help James when his son was shot, but that now that he was back at work, he needed to put the incident behind him and focus on doing good work.

Even if such strategies might not have worked in the end, it was worthwhile to try to be more proactive in looking for problems and making changes along the way, rather than waiting for things to unravel.

Today's Take-Aways

- If you think an employee may be a threat to you, try to avoid hiring that employee and risking that this threat may become real.
- Check on what an employee is doing on the first day or days of the job, even if the employee claims to have done the same kind of work before. You'll feel more reassured if you confirm it for yourself and if the employee is wrong, you can take preventative acts to train or supervise the employee more closely right away.
- If you fear a hostile confrontation with an employee you have to seriously discipline or terminate, find a neutral, well-observed place to have your meeting—such as a centrally located conference room or busy restaurant—and arrange for someone else to join you at the meeting. Don't get into a situation where you are alone.
- Document, document, document what happens each day, just in case you have to justify your reasons for firing the employee if he or she decides to challenge you in court or through some kind of administrative hearing.