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# Best Practices in HR—Employee Discipline, Performance Reviews, Terminations, and Reductions in Force

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# Best Practices in HR—Employee Discipline, Performance Reviews, Terminations, and Reductions in Force

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# Performance Reviews

- Best practices
- Frequency of feedback/timing
- Consistent procedures/consistent approaches
- Eliminating risk of biases





# Existing Employees Being Terminated

- Compliance with federal antidiscrimination laws
  - Age Discrimination in Employment Act (ADEA)
  - Title VII of the Civil Rights Act of 1964 (“Title VII”)
  - Americans With Disabilities Act (ADA)
  - State and local laws
- Creation of defensive documents
  - Documenting legitimate reasons for the decision
  - Documents that pass “the poster board test”



# Reductions in Force

- Voluntary employment terminations
  - Early retirement incentives
  - Job sharing agreements
  - Reduced hours
- Involuntary layoffs
  - Seniority
  - Eliminations by position, department, or location
- Worker Adjustment and Retraining Notification (“WARN”) Act issues

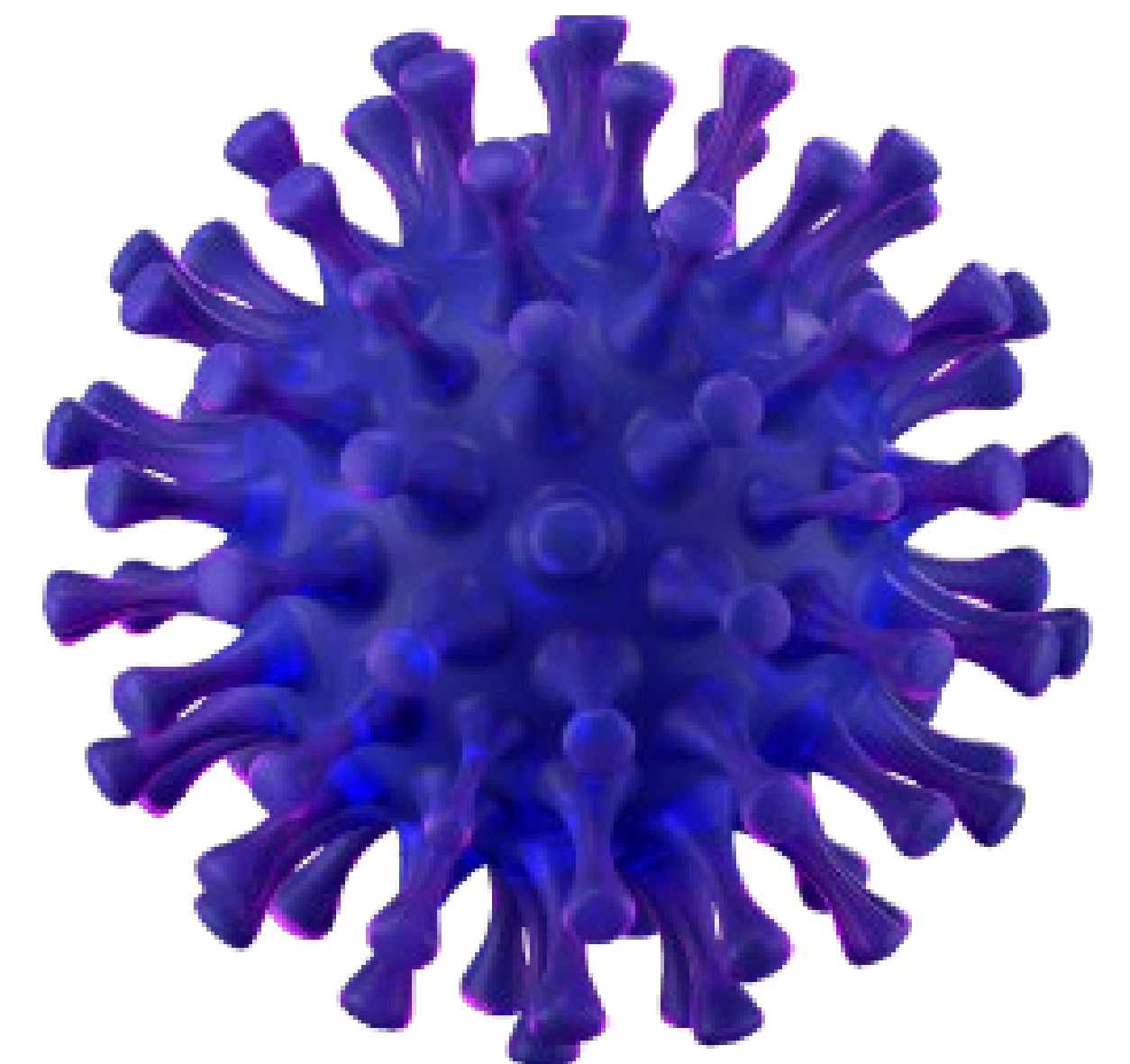






# Return-to-Work Following Covid-19

- Disability accommodations
  - Modification requests of employers' job requirements
  
- Workplace safety training and policies
  - Symptoms and risk factors associated with Covid-19
  - Prevention of exposure or spread in the workplace
  
- Remote and hybrid work structures
  - Flexible telework policies
  
- Antiretaliation practices/compliance with state laws



# New State Law Statutory Updates

- Existing state law compliance
  - California's Fair Employment and Housing Act (FEHA)
  - Illinois Human Rights Act (IHRA)
- Performance review software
  - New York City's Automated Employment Decisions Tools (AEDT) law
  - Increased enforcement and legislative focus on artificial intelligence
    - EEOC Strategic Enforcement Priorities (SEP) 2023–27

