



**JMT &**  
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*Human Resources & Safety Consulting*

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## PEOPLE POINTERS

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### Importance of Apologies

By: Sandra Kay Neal, Ph.D.,  
Industrial Organizational Psychologist

All people make mistakes. We forget to do something we should have done. We do something that ends up differently than we intended.

When we make mistakes, relationships are negatively impacted, including work relationships. Our tendency when we make minor mistakes is to explain them away, or to expect others not to be bothered by them because they were so inconsequential.

But when managers make minor mistakes, it is essential that they publicly acknowledge their error. It is not enough to explain why the mistake happened; we need to go the extra step and say "I'm sorry."

Apologies repair ruptures in all relationships, including work relationships. After we've acknowledged we made a mistake, then people are willing to move beyond the mistake.

But if we assume that we don't need to acknowledge our error, the resentment caused by the mistake can fester and grow out of all proportion to the mistake.

It is particularly essential for managers to acknowledge publicly when they've made a mistake. This does not diminish the respect subordinates have – it enhances that respect.

Employees will overlook minor mistakes when their managers accept their part in mistakes. Employees will also be more willing to acknowledge their own mistakes to their bosses.

Apologies grease the wheels of work relationships and ensure that employees and managers work together smoothly to accomplish their work mission.



### Succession Planning

By: John M. Turner, Ph.D.,  
President & CEO

This is Part 1 of a two-part discussion about Succession Planning. In this article we will discuss what succession planning is and the four basic steps of developing your plan.

Succession planning is a formal process of identifying future management needs that your organization will have and identifying which of your current employees have the potential to meet these needs.

Most organizations don't have a formal succession plan. Those organizations that have at least identified their superstars, most likely have used an informal subjective process. In other words, management thinks that "Mary" or "Joe" is a great employee and would be a good manager one day in the future. The important question is – What objective criteria have you based your decision on?

Take a look at the last employee that was promoted to a management position at your organization. Did you base your decision on the employee behaviors that have a direct impact on management effectiveness? Perhaps your decision was based more on networking skills; such as, socializing, politicking, and interacting with outsiders. Do these behaviors contribute to the effective performance that managers require to succeed at your organization?

Ineffective succession planning can lead to disastrous consequences. These consequences range from the employee being unprepared to handle the job to the ultimate failure of the newly appointed manager to meet your organization's job expectations.

Let's take a look at the elements



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of an effective succession planning program.

The first step in succession planning is human resources planning. Basically, this is a forecast of your future staffing needs. Typically, the forecast is for the next 3-5 years. Although some plans will extend out 10 years or more, depending on your particular business environment. The object is to identify the key management positions that your organization will need to be successful in the future.

The second step involves identifying the pertinent individual qualifications that will be needed for each key position that has been identified in step 1. Where do you find these qualifications? The most efficient method is to conduct a job analysis to determine the qualifications for each position.

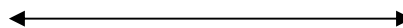
The third step is to identify any of your employees that have high potential for promotion to a management position. In other words, which of your employees have the pertinent qualifications that have been identified? In order to complete this step, your employee's abilities and career interests must be assessed. Since you are dealing with current employees, much of the needed data is readily available. These data include records of employee's career progress, experience, past performance and self-reported interest regarding future career steps. Once this data is collected, the selection process can be

completed. Other tools that are often utilized include: mental ability and personality tests, biodata inventories, and assessment centers.

The fourth step involves identifying a career path for each employee that has been selected to move into a management position. We recommend that a flow chart be used for this step. The flow chart will indicate the sequencing of specific jobs that may lead the employee up the career ladder to the targeted position. We also use a replacement chart to indicate the availability of employee candidates and their readiness to step into the various management positions. It is helpful to superimpose the replacement chart over top of your current organizational chart. If you have more than one employee with potential for the same targeted management position, a rank order should be used to rank the identified employees on their past performance, experience, test scores and the other selection criteria that you are using.

At this point, the formal succession plan is complete. The process now moves into the development component.

Our next article will continue the discussion on Succession Planning. We will discuss the implementation of your plan. This will include the timing and content of your training program.



## Forklift Safety

By: The Safety Department



There are two common varieties of forklifts -- gas powered and electric. Each common variety has several variations. All operators must be trained to operate the specific variety he / she will be operating.

According to OSHA, each year tens of thousands of injuries related to forklifts occur in U.S. workplaces. Some of the incidences include driving off loading docks and falling between an unsecured trailer and loading dock. Incidences involving overhead sprinklers, pipes and machinery can cost the employer thousands of dollars in property damage. Many of the incidences mentioned could have been avoided by operating forklifts safely and properly, safety enforcement by the company, and the proper forklift training. Companies can reduce the risk of injury by implementing the following programs.

**Hazard Identification:** The employer at a workplace where



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there is a powered forklift must identify all hazards associated with the forklift as it is used in the workplace.

**Training:** The employer must "provide information, instruction and supervision to a worker to protect the health or safety of the worker."

**Supervision:** The employer must select a capable person as a supervisor for powered forklift operations. This entails someone with training and experience in forklift operation, job familiarity and the surroundings in which the forklift will be operated. A capable supervisor should identify unsafe acts and conditions, perform documented investigations and implement corrective actions. Employers should support their supervisors and be helpful in identifying hazardous situations, responsive when corrective action is needed, and react immediately when they are detected.

**Maintenance:** The employer must ensure equipment is in good working order. The regulation states: "any lifting device must be constructed and equipped in a way to adequately ensure the safety of all workers." The only way to ensure these requirements are met is through periodic inspections, repair and maintenance of the equipment. The repair and maintenance is not just for the forklift's features, but should also concentrate on the worker's safety as well.

**Facility Floor Plan:** Poor design of an area can add to accidents and injuries. As a minimum, the employer should ensure the following measures are taken:

- Loading docks, doorways and areas with heavy forklift usage must have sufficient space to allow safe operation of the forklifts.
- Floors, aisles and walkways must be clear of debris and obstacles.
- There must be sufficient ventilation to prevent fumes from accumulating.

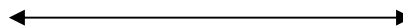
**Forklift Daily Inspection:** A copy of a Daily Inspection Check-off Sheet can be obtained on the OSHA website at: [www.osha.gov](http://www.osha.gov).

two key issues in retaliation litigation: (1) whether the challenged action has to be employment related, and (2) how harmful that action must be to constitute actionable retaliation.

The court held that the protection provided by the anti-retaliation provisions of Title VII of the Civil Rights Act of 1964 *includes* those actions *not* related to employment and those that do *not* occur at the workplace. The court also held that "retaliatory" actions by an employer may give rise to liability only if the employer's actions: (1) would have been materially averse to a reasonable employee or job applicant, or (2) are found to be harmful to the point "that they may well dissuade a reasonable worker from making or supporting a charge of discrimination."

Burlington hired Sheila White as a track laborer to work with others in the same job classification to remove and place railroad track components, transport track material, cut brush, and clear litter and cargo spillage from the right-of-way. Shortly after White began her employment White was assigned to operate the forklift because of her experience. Although she continues to perform certain of the other track laborer duties, operation of the forklift became her primary responsibility.

After less than three months on the job, White notified Burlington that her immediate supervisor had repeatedly made



### **New Standards for Employment Retaliation**

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The U.S. Supreme Court has recently clarified the standard that will govern employment discrimination retaliation claims nationwide. In *Burlington Northern & Santa Fe Railway Co. v. White*, the court resolved



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insulting and inappropriate remarks to her in front of her co-workers. Following an internal investigation, Burlington suspended the supervisor for 10 days without pay and ordered him to attend a sexual harassment training session. White was informed about the disciplinary action taken against the supervisor. At the same time, White was removed from her forklift duty and assigned her only standard track laborer tasks because of co-worker complaints that a “more senior man” should have the “less arduous and cleaner job” of forklift operator.

White then filed a complaint with the EEOC alleging that the reassignment of her duties constituted sex discrimination and retaliation due to her earlier complaint about her supervisor. She later filed a second retaliation charge after Burlington placed her under surveillance and monitored her daily activities. Following a dispute with her supervisor concerning her on-the-job transportation, Burlington suspended White without pay for insubordination. She filed a grievance over the suspension and, after 37 days without pay, Burlington reinstated her with backpay. White then filed a third retaliation claim.

After exhausting her administrative remedies, White sued in federal court. A jury found that Burlington had retaliated against her due to her complaints regarding harassment and awarded her \$43,500 in

compensatory damages. Burlington claimed on appeal that: (1) A reassignment of job duties cannot constitute actionable retaliation where both the present and the former duties fall within the same job description; and (2) White had sustained no material, adverse employment action because she had been reinstated with backpay and that, as a result, her claims should have been dismissed.

The Supreme Court rejected both positions. It upheld the EEOC’s long standing position that retaliatory work assignments are a classic and widely accepted example of forbidden retaliation. It recognized, however, that not every reassignment of job duties is actionable under Title VII. Whether a reassignment is materially adverse depends upon the circumstances of the particular case, judged from the perspective of a reasonable person in the plaintiff’s position under all the circumstances.

The court also held that, despite the backpay paid to White by Burlington, her indefinite suspension without pay is precisely the type of retaliatory conduct that can deter employees by taking actions not directly related to his or her employment or by causing harm to the person outside the workplace. All such conduct, if material, is prohibited by Title VII.

The court reaffirmed that Title VII does not protect employees from petty slights or minor

annoyances that often take place at work and that all employees experience. The court also underlined the role of the trial court in applying the objective, reasonable person/employee standard to filter out complaints attacking the ordinary tribulations of the workplace, such as the sporadic use of abusive language, gender-related jokes, and occasional teasing.

Employers must carefully monitor the treatment of employees who file or support employment discrimination claims. Disciplinary action against the past discrimination claimant or witness must be scrutinized, before it is imposed, for any retaliatory motive or adverse legal consequence. A strong factual basis for discipline, which must be proportional to the employee’s misconduct and consistent with the employer’s past practice, will be essential to a successful defense against a retaliation claim. Employers should implement a comprehensive written policy as to how the employer will handle these types of situations and implement a program to train its Human Resources staff and supervisors to identify these types of situations and how to properly handle these situations.

**This article should NOT be considered legal advice. If you require legal advice, you should contact your legal council.**





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### **Are Your Waste Streams Hazardous or Non-hazardous?**

By: Monika Maxwell-McCune  
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Do you have or work with solid, liquid, or gaseous material? If so, are you following proper disposal procedures to protect your health, environment, and finances? Sometimes, individuals unknowingly throw away, store, and / or toss aside ignitable products such as paints, degreasers, and solvents. Many times, wastes are unstable and explode or produce toxic fumes, gases, and vapors when mixed with water or when subjected to heat and pressure. Hazardous situations also occur when metal corrodes and / or waste has very high or low pH. This usually happens when rust removers, acid or alkaline cleaning fluids, and battery acid is improperly stored or disposed. In addition, waste containing high concentrations of heavy metals cause harm and fatalities when absorbed into the soil and ground water. Unfortunately, both employees and business owners pay for accidents that take place due to mishandling material. Therefore, to ensure a safe work environment and the safety of our loved ones, make certain to follow the Ohio EPA regulations when disposing waste from your business.

### **SURVEY**

#### **Bad Impression**

In a survey of 48,012 employees, managers and CEOs, 88 percent said they feel their organization's current performance appraisal system negatively impacts their opinions of the human resource department.

Source:  
People IQ, Washington

"roadmap of recommendations" to maximize your HR investment. We then provide the necessary follow-up to ensure process effectiveness.

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### **ABOUT US**

**JMT & Associates, LLC** is a full service Human Resources (HR) and safety solutions provider. We partner with small, mid-size, and large companies to develop and improve HR processes and procedures. We offer extensive "real-world" experience in a variety of industries, including: manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors. Our level of involvement ranges from complete management of your HR needs to providing project-based assistance to your in-house HR person, depending on your specific business requirements. These services range from basic policy development to in-depth HR strategic planning. We begin with a comprehensive HR assessment of your current policies and procedures, then we provide a detailed analysis and a

**Legal Note:** JMT & Associates, LLC provides services in conformance with best practices of the human resource profession, but is NOT engaged in rendering legal advice or services. While implementation of effective HR management programs and systems significantly reduces potential legal liability, should legal assistance be required the company is advised to utilize the services of a competent legal professional.

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