

Show managers why discipline must remain confidential

Issue: If managers "go public" about employee discipline, it could spark an invasion-of-privacy lawsuit.

Risk: Jury awards and damaged employee morale, leading to turnover.

Action: Give managers and supervisors a list of people with whom they can share news about employee discipline.

Advise managers to always keep disciplinary matters confidential, and never make a public example of an employee with performance problems.

As the following case shows, airing such dirty laundry with anyone could be viewed as an invasion of the employee's privacy.

Remind managers to share information about disciplinary actions against employees strictly on a need-to-know basis. That typically means the employee, plus his or her supervisor, department head and you or other HR personnel.

Recent case: During a staff meeting, Bonita Vinson's supervisor announced that she planned to reprimand and discipline Vinson. The supervisor then asked Vinson to write up her own letter of reprimand. After the meeting, the supervisor distributed meeting minutes to an even larger group of employees, with the disciplinary measure against Vinson appearing in bold print.

Vinson sued, alleging a violation of her right to privacy. A jury sided with Vinson, awarding her \$10,000.

The company appealed, but a California appellate court said the supervisor's actions went beyond the "widely accepted community norms" of reasonable employer conduct. (*Operating Engineers Local 3 v. Johnson*, No. A097487, Calif. Ct. App., 2003)