

Management Sins, A Legal Perspective

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AIA Information

Credit(s) earned on completion of this course will be reported to American Institute of Architects (AIA) Continuing Education Session (CES) for AIA members.

Certificates of Completion for both AIA members and non-AIA members are available upon request.

This course is registered with AIA CES for continuing professional education. As such, it does not include content that may be deemed or construed to be an approval or endorsement by the AIA of any material of construction or any method or manner of handling, using, distributing, or dealing in any material or product.

Questions related to specific materials, methods, and services will be addressed at the conclusion of this presentation.



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Course Description

This course will help managers to avoid committing one of the seven "sins" that lead to the most serious consequences in the employment setting. An employer's best defense in avoiding employment lawsuits and minimizing costs to defend lawsuits in the competency of the employer's managers. We will discuss ways to avoid making mistakes and decrease the chance of a lawsuit and increase your ability to defend those lawsuits that are filed



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Learning Outcomes

- Learning Objective 1:
Learn the best defense in avoiding employment lawsuits.
- Learning Objective 2:
Discuss ways to avoid making mistakes.
- Learning Objective 3:
Learn to decrease the chances for a lawsuit.
- Learning Objective 4:
Learn to increase your ability to defend lawsuits.



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**SIN #1
FAILING TO ADDRESS PROBLEMS**

Failure to deal honestly and fairly with difficult employees

- Confronting an employee about problems is uncomfortable.
- Many managers simply do nothing.
- "Failure to act" is fundamentally unfair to the employee and the employer.
- In the courtroom, a "failure to manage" can have devastating consequences.
- Juries do not necessarily focus on the technicalities of the law, they care only about FAIRNESS

What's A Manager To Do?

- Get Help:
Human Resources Department can provide assistance to managers.
Have an objective person review the proposed action -- act as a "juror."

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Communicate Concerns:

Use the "3 F's" - fair, forthright and firm -

Fair -

- (1) how he/she has treated other employees for similar infractions
- (2) whether the employee understood the manager's expectations and the consequences for failing to meet them
- (3) whether there are extenuating circumstances which might explain the behavior
- (4) whether the employee has any past discipline.

Forthright -

Ensure that the employee is notified of the manager's real concerns.

Firm -

Ensure that employee understands that changes *must* be made.

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