



Handling the toxic employee: How to avoid -- or dilute -- the poison

Competence isn't necessarily a defense against poor behavior and attitude. Here's how to make sure a noxious worker doesn't sicken your practice.

By [Katherine Vogt](#), *AMNews staff*. July 24/31, 2006.

Some are rude to your patients. Others never help with shared duties. Still more gossip and bad-mouth other staffers so much that your office feels like a daytime talk show.

These are toxic employees. And, like a cloud of noxious gas, they can poison the work environment, for you, your staff, and even your patients.

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These employees probably are able to perform the basic functions of their jobs, but with such rancor, bad attitude or poor behavior that there is a detrimental effect on the office. Employee discontent can disrupt office morale and productivity, set bad examples for other employees, and harm relationships within the staff or patient base.

Experts say the best way to avoid toxic employees is to not hire one. After the fact, physicians should confront the behavior, set expectations, and be prepared to terminate. But experts add that this process should be done carefully, anticipating the disgruntled ex-employee may fire back with a lawsuit.

With a work force shortage in nursing and other medical staff positions, physicians may feel they can't be too choosy.

"Physicians are caught between a rock and hard place because these people are hard to find, and when they are hard to find, you give them a longer rope," said Penny Morey, a human resources consultant in Boca Raton, Fla., for CBIZ Inc.

Cull them out in the hiring stage

A little extra care in the hiring process could save time and hassle down the road.

That means checking references, even if it is time consuming, said Roberta Chinsky Matuson, principal with the consulting firm Human Resource Solutions in Northampton, Mass. "A lot of small businesses skip this step. And it's hard to get other doctors on the phone." But Matuson says checking references is absolutely critical in predicting how the person might behave.

Also, she recommends asking job candidates behavior-based questions -- such as how they handled previous work situations -- to get a sense of how they function at work. "You're looking for their thought process. You want the one who is going to try to push through a problem in a professional way," she said.

Other experts recommend taking the behavior profile a step further. Morey says there are personality tests available online that could be useful. And Nancy Howell, director of human resource services for the Euless, Texas-based Odyssey OneSource Inc., suggests doing criminal background checks and drug screenings.

From the outset of hiring, it is important to set job expectations, said John Baldoni, a leadership and communication consultant and author in Ann Arbor, Mich. "Every employee deserves a manager who will set expectations. That way, when someone drifts out of alignment with it, you can say, 'Remember when we told you' "

Providing a detailed job description will also ensure both the employee and employer are clear about what is expected, said Nick Fabrizio, PhD, a Syracuse, N.Y.-based consultant with the Medical Group Management Assn. and a former practice administrator.

"If I hire someone without a job description, that person is basically going to do what I want them to do or what someone else is training them to do," and that could be wildly different than your expectations, he said.

The employee is already there; now what?

Even with precautions, sometimes toxic employees are still hired. And often the physician is the last to know. "Part of the management responsibility is to keep your eyes and ears open in the office," Baldoni said. "[But] sometimes it's not obvious to the person at the top until it's a critical breakdown in the office."

When trouble arises, most experts agree that swiftly confronting the problem is the key first step. That typically means having a discussion with the employee to outline the problem, discuss it and present evidence about it.

"Quantify it, then gain agreement. Explain that if this behavior or problem continues, there will be consequences," Baldoni said. "Sometimes that conversation will solve the problem; other times you're going to have to go back several times."

Matuson said it is important to be careful presenting the problem. "Too many employers use the phrase 'poor attitude.' Well, what the heck does that mean? You need to really use specific examples."

That means it is probably a good idea to have notes prepared in advance of the meeting. "Don't try to wing it," she said. "If you're not prepared, the tables could get turned."

Matuson said employers should try to put the onus on the employee and find out how he or she believes the problem could be solved. Then the consequences can be set, spelling out what could happen if things don't change.

It may be best to have the discussion in private so the employee doesn't feel ganged up on, Matuson said. However, if the employee is hostile or threatening, or if it is suspected that the employee might later sue, having another practice leader in the room might be a good idea, she said.

The tone of the discussion should be honest and direct. "And you need to give this person time to digest what was just said. Don't say, 'We've had this conversation, we're done and you can go back to the front office' and they're sitting there in tears," she added.

Baldoni advocates a practical approach. "Argue the business case. 'It's not about you, it's not about me, it's about our business.' You take it out of the realm of me against you."

Once may not be enough

Depending on the severity of the problem, subsequent discussions with the troublesome employee may be necessary.

"If they have done nothing to try to improve, why would you give them more chances? But in most cases, people will at least make lip service in trying to change, so you will probably have to have at least two or three of these meetings," said Morey. "You want to give a certain amount of time for the person to improve the behavior."

If the discussions are going nowhere, the process could be taken to a more serious level by issuing a written warning. Matuson said this tactic could be helpful in situations where the employer thinks the employee might still come around but needs additional prodding.

If there is little to no change in performance, Baldoni said, the employer needs to decide whether it is worth the trouble to try to keep the employee.

If termination is the solution, Morey said, it should be kept short and simple, and free from any personal attacks. "At that point it's also important to not get into a he-said-she-said argument. You have to have the decision made. Don't get dragged into the morass of defending your observations."

Again, in situations where the employer senses hostility or the potential for legal claims, Morey suggests having another senior-level staffer witness the discussion. "People who are in a bad situation may sometimes do desperate things."

If fair warning has been given, the employee should not be surprised to hear he or she is being terminated, Dr. Fabrizio said. "It's a failure of management if that happens, because it's managers' responsibility to set expectations, monitor people and clearly talk about what their expectations are."

Document, document, document

The best protection against any subsequent legal challenge is ample documentation, said Teresa R. Tracy, an employment attorney with Baker & Hostetler LLP, in Los Angeles.

"When dealing with an employee like this, documentation becomes very important because oftentimes it is the accumulation of events that really creates the problem rather than one specific event that in and of itself would be of significant magnitude," she said.

"You need to create a system to document perhaps a multitude of individual instances of the objectionable behavior that you could point to," Tracy said. "That way you can create a picture that will present effectively your point of view about the existence of the problem, the magnitude of the problem and why it is a problem to you."

To start, she recommends making a notation whenever objectionable behavior is witnessed. The note should include date, time and enough pertinent information to trigger memories. It should be kept in a private place controlled by the employer.

When it is time for discussions or warnings, Tracy said it may be a good idea to have the employee sign an acknowledgement that he or she was informed about the problem.

"To the extent that the employee may want to provide a rebuttal, you want to appear, and you want to be, fair. And certainly if you were to end up in front of a jury, they would want to see someone who was fair and shared in detail the facts and concerns with the employee," she said.

It's also helpful to obtain an acknowledgement at the time of hiring, advising the employee that the business can terminate employment at any time without cause or notice, Tracy said.

Even a happy send-off could help prevent a lawsuit. "It's a lot cheaper to pay the person two weeks up front, buy a little goodwill and get a release of claims, than to get into litigation," she said.

Afterwards, be careful what you tell the remaining staff, Morey said. "It's safest not to go into details. Anything you say about it [could] be misinterpreted by someone.

"Give the employees the benefit of the doubt. They probably knew this employee was toxic."



ADDITIONAL INFORMATION:

Telltale signs of a toxic employee

- Arrives late to work.
- Gossips about other employees, patients.
- Behaves rudely or in a threatening manner to other employees, patients.
- Refuses to share group responsibilities, such as answering the phone.
- Won't follow advice or instruction.
- Fails to acknowledge office procedures/policies such as dress code.
- Disrupts others with loud, vulgar or otherwise poor behavior.



How to deal with a toxic employee

- Identify the problem and note examples.
- Initiate a discussion with the employee about the problem, citing examples.
- Ask the employee what he/she could do to solve the problem.
- Present clear information about your expectations and the potential consequences of failing to meet them.
- Follow up with a second discussion about whether the problem has been resolved.
- Have multiple discussions, if necessary, allowing time for resolution.
- Issue a written warning if the situation continues.
- Terminate, if necessary, with a short and direct conversation.
- Take notes throughout the process to protect yourself legally.