

Rochester Business Alliance – Training a Supervisor is a Must

Good employee management requires that supervisors interact with, manage, evaluate, and discipline employees. Sometimes they make hiring and firing decisions. Sometimes they make decisions about how employees will be paid, whether advances will be given on wages, and what leave may be taken. Supervisors have so much responsibility, but many employers do not give them the tools to make good decisions.

The importance of training supervisors was underscored by a decision from the United States Supreme Court this year. The issue in that discrimination case was whether the employer was responsible for alleged harassment from a worker's colleague, and that determination turned on whether the colleague was a supervisor. In the *Vance v. Ball State University* case decided in 2013, the United States Supreme Court held that an employer is liable for an employee's unlawful harassment when the employer has empowered the employee to take tangible job action. It defined tangible job action as "a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities or a decision causing a significant change in benefits."

There are other employment-related statutes that may impose liability on supervisors as well as the employer for decisions, such as some wage and hours laws. Whether supervisors will face individual liability depends on a number of factors, including the supervisor's job description, financial interest and the degree to which the supervisor is involved in hiring and firing decisions. This exposure to both employers and supervisors means that training supervisors is a must. They need to learn about basic employment laws, such as federal and state anti-discrimination laws, wage and hours laws, and other labor-related laws. And equally important, they need to learn the steps in making a good decision that will not result in a lawsuit.

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