Discipline: The Most Dreaded Management Task

Presented by Amy Behr-Shields
About Me

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Experienced Directors Training

Agenda

1. The Basics
2. Progressive Discipline
3. Performance Improvement Plan
4. Termination Letter
5. Progressive Discipline Policy
6. Practice
7. Questions

The Most Dreaded Task
Have you ever had to terminate a staff member?

a) Yes

b) No
It is UNCOMFORTABLE!
The Basics
The Basics

**DO**
- Address problems immediately
- Be specific as to what was done
- Document! This includes verbal discussions, too!
- Keep your word and uphold consequences
- Be consistent

**DON’T**
- Wait to talk to the employee
- Assume they know the problem
- Have multiple convos, without documentation or moving to next step
- Give empty consequences and hope it will improve with time
- Use personal attacks or discriminatory language

The Most Dreaded Task
Progressive Discipline

The Most Dreaded Task
Progressive Discipline

- Step 1: Self-Check
- Step 2: Conversation(s) / Coaching
- Step 3: Verbal Warning
- Step 4: Written Warning
- Step 5: Final Warning / Suspension
- Step 6: Termination

*Include in PE relevant to the time of year

The Most Dreaded Task
ALWAYS consult with HR / Labor Attorney throughout the process!
The Most Dreaded Task
Progressive Discipline Checklist

Purpose: A structure of corrective action to improve and prevent a recurrence of undesirable behavior and performance issues.

Goals: 1) To help staff identify areas where they are not performing to expectation.
2) To ensure that termination is never a surprise.

Self-Check: Have I been communicating expectations clearly? If yes, how have they been communicated? Have I supplied adequate resources and training? Do I have an unconscious bias against this person for any reason?

☐ Date Completed: ______________

1. Conversation / Coaching - Investigate / Seek Understanding
   ☐ Meet with the employee for a "check-in." Are there environmental factors happening at work or at home that could be causing a performance issue?
   ☐ Give employee opportunity to respond
   ☐ Identify specifically what needs to change and the time frame to make the changes.
   ☐ End the conversation noting that your goal is to see them succeed and help them reach success, but both of you have to work towards it.

☐ Date Completed: ______________

2. Verbal Warning
   ☐ Meet with the employee and identify performance, conduct, or other issues that were discussed in step 1.
   ☐ Again, provide clear expectations and ask for verbal confirmation of understanding.
   ☐ Give employee opportunity to respond
   ☐ Establish a timeframe for expected changes.

The Most Dreaded Task
The “Real” Step 1: Self-Check

- Have I been communicating expectations clearly?
- If yes, how have they been communicated?
- Have I supplied adequate resources and training?
- Do I have an unconscious bias against this person for any reason?
Step 2: Conversation / Coaching

- Meet with the employee
- Discuss issue at hand - note expectations and ask for confirmation of understanding
- Give employee opportunity to respond
- Discuss a timeline for change
- Both need to work towards success

*Document the conversation!*

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**The Most Dreaded Task**
Step 3: Verbal Warning

- Meet with the employee again
- Discuss issue at hand - again note expectations and ask for confirmation of understanding
- Give employee opportunity to respond
- Discuss a timeline for change
- Send follow-up email
- Forward email to Director / HR

*Document the conversation!
Step 4: Written Warning

- Meet with the employee - provide with Performance Memo or *Performance Improvement Plan
- Discuss issues at hand - outline timeframe
- Answer any questions (including about the appeal process!)
- Sign the document
- Send follow-up email
- Forward email to Director / HR

*See next slide!
*Performance Improvement Plan

The Most Dreaded Task
Performance Improvement Plan

Employee Name: Fred Flinstone
Job Title: Bronto Crane Operator
Department: Construction
Supervisor: George Slate
Start Date: November 1
End Date: December 1
Check-In Dates: Nov. 8, Nov. 15, Nov. 22, Nov. 29

A copy of this Performance Improvement Plan will be placed in your personnel file. If you would like, you may include your own comments regarding the Performance Improvement Plan in writing within five days and your comments will be attached.

State the reasons why you are recommending a PIP. Note the prior steps that were taken (including conversations that were had regarding the issue).
Over the past 3 months, Fred has arrived late for over 30% of all shifts. This has disrupted shift changes, forcing the Bronto Crane Operator on the previous shift to cover his responsibilities until he checks in. In one particular instance (September 12), Fred called his colleague “stupid” when they asked him to arrive at work on time so that they did not need to cover for him. This disrupts workflow and the construction timeline.

Fred’s supervisor first met with him to discuss the issue on August 15. On September 12, Fred’s supervisor provided him with a verbal warning. After both discussions, Fred noted understanding of Company policies and the need to be on time and be respectful of his colleagues.

Also note next disciplinary steps.
As discussed previously, Fred is expected to be at his Bronto Crane and ready to work at the start of his shift. A failure to improve or other incidents may result in additional disciplinary action up to and including termination.
<table>
<thead>
<tr>
<th>Performance / Learning Goal #1:</th>
<th>Performance / Learning Goal #2:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal description</strong></td>
<td><strong>Goal description</strong></td>
</tr>
<tr>
<td>To improve time management</td>
<td>To be respectful of colleagues</td>
</tr>
<tr>
<td><strong>Job duty, policy, or procedure it connects to</strong></td>
<td><strong>Job duty, policy, or procedure it connects to</strong></td>
</tr>
<tr>
<td>Staff at Slate Rock &amp; Gravel Company are expected to adhere to schedules set by their supervisor. They are expected to be on time and ready to work at the start of each shift.</td>
<td>Staff at Slate Rock &amp; Gravel Company are expected to follow the Company’s Philosophy of Internal/External Customer Service and treat all customers and colleagues with professionalism and respect.</td>
</tr>
<tr>
<td><strong>Specific actions to improve / Resources to help</strong></td>
<td><strong>Specific actions to improve / Resources to help</strong></td>
</tr>
<tr>
<td>Fred will check in with his supervisor as he arrives each morning so that they can officially note his arrival time. Fred is expected to be at his supervisor’s desk at 8AM each morning.</td>
<td>Fred will attend an in-person “Workplace Sensitivity Training” workshop through the Society of Human Resource Management.</td>
</tr>
<tr>
<td><strong>Target date to achieve improvement or success</strong></td>
<td><strong>Target date to achieve improvement or success</strong></td>
</tr>
<tr>
<td>We will touch base weekly (dates noted above) to review performance and will officially meet again on December 1 to review results.</td>
<td>We will touch base weekly (dates noted above) to review performance and will meet again on December 1 to review results.</td>
</tr>
<tr>
<td><strong>Additional information</strong></td>
<td><strong>Additional information</strong></td>
</tr>
<tr>
<td>NA</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Expected outcome / Measurement of success</strong></td>
<td><strong>Expected outcome / Measurement of success</strong></td>
</tr>
<tr>
<td>Fred will be on time and ready to work at the start of each shift.</td>
<td>Fred will be respectful of his colleagues and speak to them in a professional manner.</td>
</tr>
</tbody>
</table>

**Supervisor Signature:**

**Employee Signature:**

The Most Dreaded Task
Step 5: Final Written Warning / Suspension

- Meet with the employee
- Not specific issues that have not been corrected
- Include the disciplinary step being taken (i.e. suspension without pay)
- Both sign the document
- Note what the next step will be if improvement is not noted
- Share with HR
Step 6: Termination

- Pre-meeting with HR
- Have a witness present
- *Provide termination letter
- Accompany to collect belongings and escort out of building
- Take care of post-termination checklist

*See next slide
*Termination Letter

The Most Dreaded Task
November 15, 2023

Fred Flintstone
301 Cobblestone Way
Bedrock, 78177

Dear Fred,

Provide the purpose for this letter and information about pay:
This letter is to inform you that your employment with State Rock & Gravel Company will terminate effective immediately (November 18, 2023). You will be paid for the remainder of the week (through November 17). Your final paycheck will be deposited via direct deposit on November 24, 2023.

Provide information about why they are being terminated and the steps that were taken (keep it general at this point):
Your employment is terminated for performance-related reasons. The areas for development were documented by your supervisor and discussed with you on several occasions over the past 8 months. Multiple steps were taken to provide you with the opportunity for growth and improvement with the expectation that these measures would bring your skills to an acceptable level. Unfortunately, this did not happen.

Provide information about what will happen to any benefits they might have:
You will receive a notice from Workers’ Compensation regarding your continuation of benefits through COBRA. You may be eligible for unemployment benefits through the state.

Provide information about what needs to be returned to the Library:
You will need to return your name badge and any other library property that you may have. If you have any personal items at the Library, please make arrangements with your supervisor to pick them up.

We wish you success in your future endeavors.

Sincerely,

George Slate

The Most Dreaded Task
Progressive Discipline Policy

The Most Dreaded Task
The Pros / Cons
A good policy is...

- Flexible - should give the employer the latitude to go beyond the typical discipline when circumstances warrant.
- Does NOT list specifics!
- Has supervisors who are well trained on it!
Progressive Discipline Policy

Include:
- Purpose / Goal / Objective
- Disclaimers
- Who has authority?
- Steps / Timing
- Appeals process
- Illegal behaviors
- Documentation
Purpose

Slate Rock & Gravel Company’s progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of Slate Rock & Gravel Company’s progressive discipline policy and procedures. Slate Rock & Gravel Company reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee’s work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Slate Rock & Gravel Company and its employees.
Procedure

**Step 1: Counseling and verbal warning**

Step 1 creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.
Procedure

**Step 2: Verbal Warning**

Step 2 creates an opportunity for the immediate supervisor to once again bring attention to the existing performance, conduct or attendance issue. The supervisor should again discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal warning. The employee will be asked to sign this document to demonstrate their receipt of the document and understanding of the issues and the corrective action.
Step 3: Written Warning

The Step 3 written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During Step 3, the immediate supervisor and a division manager or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of their continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee’s immediate and sustained corrective action will be issued within five business days of a Step 3 meeting. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.
Step 4: Suspension and final written warning

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from a next-level manager and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Non Exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.
**Step 5: Recommendation for termination of employment**

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, Bedrock Slate & Gravel Company will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, Bedrock Slate & Gravel Company reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management’s recommendation to terminate employment must be approved by human resources (HR) and the division director or designate. Final approval may be required from the Board of Trustees or designate.
Appeals Process

Employees will have the opportunity to present information to dispute information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee’s performance or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, they will have five business days after each of those meetings to present such information.
Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.
Documentation

The employee will be provided copies of progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be placed in the employee’s official personnel file.
Practice!

Scenario 1: Fred showed up to work drunk, destroyed a rare book, and gave the “Jersey bird” to a customer.

Scenario 2: Fred frequently loses his temper with his co-workers. Despite multiple conversations with him, it is still an issue. This morning, this interaction took place between Fred and Barney:

Fred: How can you be so stupid?
Barney: Hey, that’s not very nice. Say you’re sorry.
Fred: I’m sorry you’re stupid.
Questions?
Contact:
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Director, Summit Free Public Library
abs@summitlibrary.org
908-277-9455