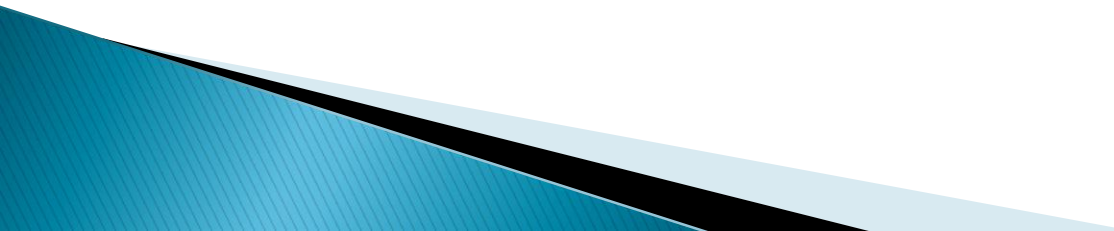




Effective Communication Techniques for Supervisors *Administering Positive Corrective Action*

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Learning Objectives

- ▶ Establishing Reasonable Expectations
 - ▶ Providing Performance Feedback
 - ▶ Identify desired vs. actual performance
 - ▶ Coaching vs. Positive Corrective Action
 - ▶ Review the progressive steps in positive corrective action
 - ▶ The importance of documentation
 - ▶ Following up with the employee
 - ▶ Applying University disciplinary policies / procedures
 - ▶ When to use a Performance Improvement Plan (PIP)
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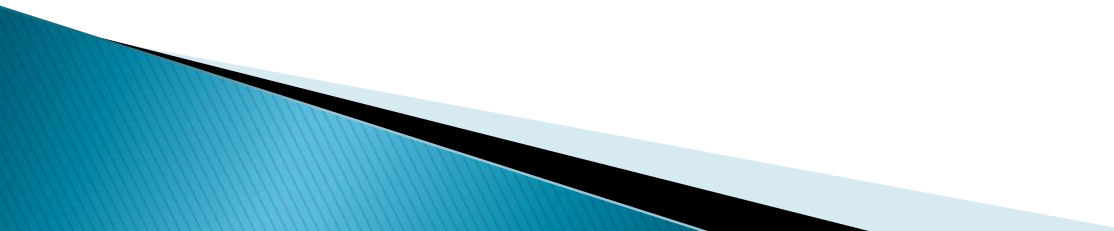
Reasonable Expectations

- ▶ Before we can provide meaningful feedback, we need to establish a mutual understanding based on reasonable expectations:
 - **“Exercise Good Judgment in All Situations.”**
 - **Take ownership of your job**
 - **Be a good steward of _____ dollars**

Providing Performance Feedback

- ▶ **How often should you provide feedback?**
 - **Scheduled:**
 - Weekly meetings (employee's meeting)
 - Employee prepares agenda / notes
 - Supervisor provides guidance / feedback
 - **Benefits of maintaining open communication**
 - Employee aware of expected behavior.

Providing Meaningful Feedback

- ▶ **Unscheduled:** What if I supervise too many employees to hold individual weekly meetings?
 - **Team/Departmental meetings**
 - **Open door policy**
 - **Create constructive feedback opportunities**
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Providing Meaningful Feedback

- ▶ **Performance “Snap Shot” Evaluations**
 - GOAL: “No Surprise” Performance Evaluations
 - How do supervisor’s gain respect
 - Mutual understanding & application of rating system
 - Cultivating superstars
 - Consequences of inconsistency applications

Positive Corrective Action

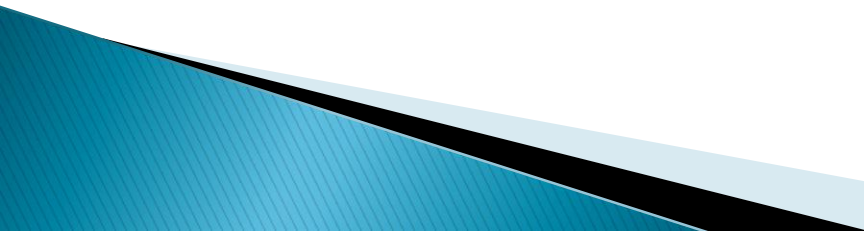
- ▶ What is Coaching?
 - Serious and planned discussion with employee
 - Not always an informal conversation
- ▶ What is the goal of Corrective Action?
 - to correct the performance or behavior problem.
- ▶ Supervisor's responsibilities
 - Recognize and reward good performance
 - Confront and correct poor performance

What is Positive Corrective Action?


- ▶ Positive corrective action is the process of using **increasingly** severe **progressive** steps to correct performance or behavioral problems.
 - aka “progressive discipline”
 - Verbal, written, suspension, termination

Positive Corrective Action

warning signs

- ▶ decline in employee's job performance
 - ▶ employee is apathetic / withdrawn
 - ▶ employee consistently complaining
 - ▶ lack of solid working relationship
 - ▶ interpersonal problems with others
 - ▶ resents constructive criticism
 - ▶ behavior negatively affecting others
 - ▶ attendance problems develop / increase
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Common Reasons why supervisors avoid administering corrective action . . .

- Creates more problems than it solves
 - maybe the situation will go away
 - **Don't like conflict**
 - Nobody's perfect syndrome
 - It takes too much time to administer
 - Adverse side effects (anger, resentment, apathy, absenteeism, etc.)
 - Self conscious—concerns about reputation
 - Subject to bad public relations if handled incorrectly
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Positive Corrective Action

▶ Three Categories . . .

- **Attendance**

- tardiness

- **Performance** – deficiency in knowledge

- **Behavior / Conduct** – deficiency in professionalism

▶ Why NOT “Attitude?”

- Represents a judgment – can’t see it

- Confront behavior / conduct – **NOT** attitudes

- Process of changing annual performance evaluations

Duty to Act

- ▶ Supervisors “Duty to Act”
 - Consequences of not addressing issues
 - problem employee gets worse
 - Weakens justification for disciplinary decisions
 - Problem spreads to other employees
 - Benefits of addressing issues immediately
 - Corrects employee behavior
 - Smooth functioning of Dept

Punishment vs. Positive Corrective Action

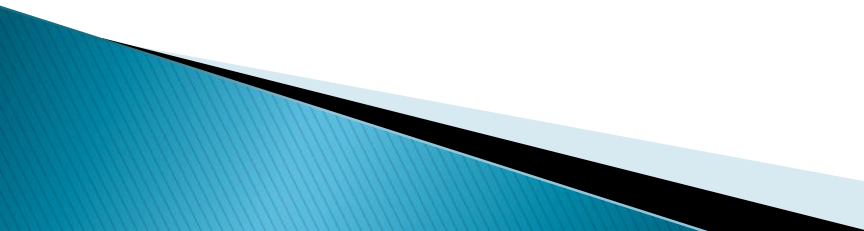
	Traditional Punishment Model	Positive Corrective Action
Goal	Obedience	Gain Employee's agreement to change. <i>improve /solve problem</i>
Focus	On employee	On Problem
Responsibility	Supervisor	Employee
Time Frame	Past	Future
Communication	One-Way	Two-Way
Climate	Authoritarian	Collaborative
Effects	Avoidance / (Further) damages relationship	Engagement / chance for improvement

Positive Corrective Action

Keys to success

- ▶ **Immediacy**
 - Confront issue as soon as possible after incident
 - Employee is typically aware of issue

 - ▶ **Professionalism**
 - Supervisor will gain respect

 - ▶ **Consistency**
 - Take into consideration how employees were treated in similar situations
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Positive Corrective Action


An Agreement to Change

- ▶ **WHY do you want to get the employee's agreement to change?**
 - The odds increase that the employee will live up to the agreement;
 - If problem continues, the subsequent conversation will focus on “not living up to agreement.”


Positive Corrective Action

- ▶ **HOW do you get the employee's agreement to change?**
 - Provide good business reasons why the problem must be solved and consequences for failure to solve;
 - Create a list of reasons

Benefits of Administering Positive Corrective Action

- ▶ Increases probability of solving the problem
 - ▶ Renews employees commitment to change
 - ▶ improves departmental morale
 - ▶ Establishes an environment of understanding
 - ▶ Over time, reduces the number of corrective actions and terminations
 - ▶ Helps build self-confident employees
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Completion of the Corrective Action Form – the process

- ▶ **Identifiable discrepancy:** a gap between your expectations and actual performance / behavior
 - ▶ Expectations must be Specific, Attainable and Measurable
 - ▶ state minimum expectations in terms of quality, quantity, timeliness, or cost
 - ▶ Include the consequences to the employee of future occurrences
- 

The Process

Four Step Model

▶ IDENTIFY:

- Desired vs. Actual Performance
- Determine the category of the problem
- Focus on the **Specifics**

▶ ANALYZE:

- Determine the **Impact** of the problem
- Determine **Consequences** for employee's action

▶ DISCUSS:

- Why the problem needs to be solved
- Gain employee's **Agreement to Change**
- Discuss Consequences for not changing / improving

▶ FOLLOW-UP:

- **Determine** if problem has been solved –if not, take action
- Reinforce improvement

Basics of Documenting

▶ Document the **BASICS**:

- date of meetings and who was present

▶ Document the **FACTS**:

- problem, history and relevant discussions
- Efforts to help the employee to be successful?
- Cite Rule/Policy violation or performance standard not being met?

▶ Document **EXPECTATIONS**:

- to comply with the rule or meet performance standards

Meeting with the Employee:

Before the Meeting

- ▶ Understand your conflict management style
- ▶ Obtain knowledge of problem
- ▶ Review your notes and supporting documents
 - i.e. copies of previous Corrective Action Reports
- ▶ Prepare a draft of the corrective action
- ▶ Anticipate employee's questions
- ▶ Arrange to meet in private
 - When employee is least likely to be confronted by co-workers

Meeting with the Employee:

During the Meeting – basics

- ▶ Avoid interruptions
- ▶ Maintain eye contact
- ▶ Be confident
- ▶ Listen
- ▶ Respond instead of reacting
 - Be mindful of your tone of voice
- ▶ Meeting should be short and focused

Meeting with the Employee:

During the Meeting – procedure

- ▶ **State the specific problem (desired vs. actual)**
 - Use employee's name and get right to the point
 - “I” message, not “you” are the problem
 - **EXAMPLE:** “Joe, I have to tell you, I have a problem and I need your help.”
 - Give the employee a chance to respond / explain
 - **EXAMPLE:** “Joe, tell me about...”
- ▶ **Review previous coaching sessions or corrective action**
 - Any previous “agreement(s) to change.”

Meeting with the Employee:

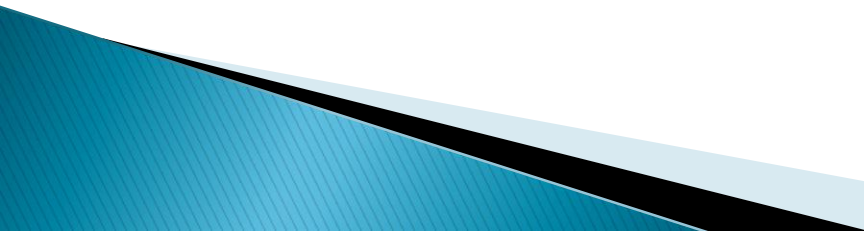
During the Meeting – procedure

- ▶ **Describe the specific change you expect and why it must be corrected**
 - Ask employee to confirm his/her understanding of your expectations
 - Gain employees agreement to change
 - Communicate your positive expectation of change and confidence in the employee's ability to improve

 - ▶ **Discuss the consequences if expectations are not met**

 - ▶ **Refer to the Employee Assistance Program, if appropriate**

 - ▶ **Identify any ADA Accommodation issues**

 - ▶ **Provide a copy of the signed corrective action to the employee**
 - Try and procure employees signature – not mandatory
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Meeting with the Employee:

After the Meeting

- ▶ Briefly summarize the meeting in writing
 - state the facts
- ▶ Send the original corrective action to HR
 - HR creates a file
- ▶ Monitor the employee's performance
 - maintain open communications
 - reinforce improvement
 - determine if the problem has been solved

Positive Corrective Action

Universal Form

- Purpose
 - Focus on problem / not employee
 - Ease of use
 - Consistency
- Example of Form

Positive Corrective Action

Performance Improvement Plan

- ▶ The purpose of the "Performance Improvement Plan" is to help supervisors address and resolve performance issues.
- ▶ When does it make sense to use a P.I.P.?
 - When employee behavior, performance or attendance drops off, or
 - Progressive Discipline not working

Employee Classifications

1. Unclassified

- Employee at Will – subject to university rules/policy

2. Classified Civil Service

- Property Right – classified civil service employees who have completed their probationary period have an expectancy interest in their continued employment and enjoy a property right in their continued civil service employment.
- Applies in cases involving terminations or suspensions

Employee Classifications

Classified Civil Service Continued . . .

- Minimum Due Process Rights
(*Cleveland Bd. Of Ed. V Loudermill*)
 - Notice
 - Explanation of the evidence against them
 - Opportunity to be heard
- Appeal Right to State Personnel Board of Review
 - Suspension of more than 24 work hours (i.e. 3 days)
 - Termination of Employment
 - Decrease in pay

University Rule 3359-26-02 (E)

Discipline and Discharge

1. Disciplinary action is normally progressive in nature:
 - ▶ Verbal Warning
 - ▶ Written Warning
 - ▶ Suspension
 - Without Pay
 - In-House
 - ▶ Termination
2. Some actions, because of their seriousness, may warrant bypassing one or all steps of the progressive disciplinary procedures.

Positive Corrective Action

Disciplinary Steps

- ▶ **Verbal or Written Warning** – Documented discussion with employee:
 - State unsatisfactory behavior or performance;
 - Clarify the minimum expectations;
 - Explain consequences for not correcting the problem;
 - For Written Warning, always reference the verbal warning.

Progressive Corrective Action

Disciplinary Steps

- ▶ Suspension or Termination
 - Interview alleged witnesses
 - Prepare witness statements
 - Gather documents that support recommendation
 - Prepare a written summary of events
 - Attach supporting documentation
 - Make your recommendation in writing and forward to Labor Relations Dept. in HR

Reasons for Disciplinary Action

1. Ohio Revised Code (section 124.34)

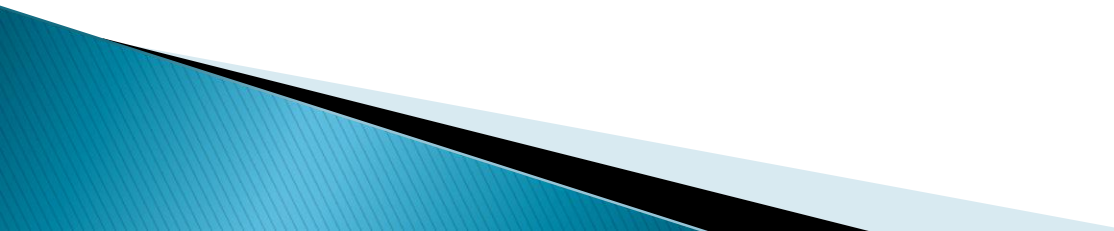
- Classified civil service employees retain their employment during periods of good behavior and efficient service.

Reasons for Disciplinary Action

2. A classified civil service employee may not be reduced in pay or position, fined, suspended or removed, except for:

- Incompetency
- Inefficiency
- Dishonesty
- Drunkenness
- Immoral Conduct
- Insubordination
- Discourteous Treatment of the Public
- Neglect of Duty
- Violation of any Policy or Work Rule
- Failure of good behavior
- Misfeasance, Malfeasance or Nonfeasance in office
- Conviction of a Felony

Employee Rights

1. University Grievance Procedure
 - varies depending on employee classification
 2. Appeal to State Personnel Board of Review
 - suspensions and terminations
 - only for classified employees
 3. Equal Employment Opportunity Commission / Ohio Civil Rights Commission
 - Discrimination complaint – protected classifications
 4. Federal District Court/State Court of Appeals
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Definitions and Tests for “Just Cause”

*7 Questions to ask yourself before issuing or recommending disciplinary action.
(Based on 7 Step Test from Whirlpool Corporation Case)*

1. Was the employee aware of the possible or probable disciplinary consequences of his / her conduct?
2. Is the work rule reasonably related to:
 - (a) the orderly, efficient and safe operation of the organization's business and
 - (b) the performance that the organization might properly expect from the employee?
3. Before administering disciplinary action, did you investigate to determine whether or not the employee did in fact violate or disobey a rule or order of management?

Definitions and Tests for “Just Cause”

*7 Questions to ask yourself before issuing or recommending disciplinary action.
(Based on 7 Step Test from Whirlpool Corporation Case)*

4. Was your investigation conducted in a fair and objective manner?
 5. Is there substantial and compelling evidence or proof that the employee is guilty?
 6. Did you apply the rule, order or penalty evenhandedly to all employees, without discrimination?
 7. Was the degree of discipline administered reasonable given
 - (a) the seriousness of the employee’s proven offense and
 - (b) the record of the employee in his / her service with the University?
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Common Disciplinary Problem

Behavioral – *Insubordination*

- ▶ **Insubordination:** refusal by an employee to carry out a direct order given by a supervisor:
- ▶ **What to do if employee refuses a direct order?**
 - Repeat your initial request;
 - Tell employee what will happen if refused;
 - Document your discussion and follow disciplinary process

Questions?

Thank you

