

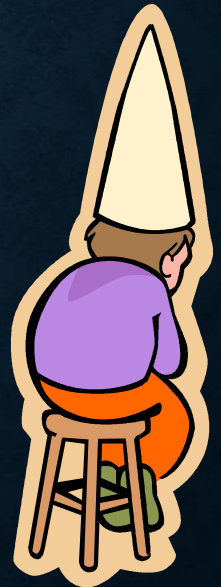


Progressive Discipline Leaderships High-Wire Feat



Avoidance is Not the Answer

One of a manager's least favorite jobs is disciplining employees. The issue is so disliked that many managers will put off the meeting as long as possible, or even forget the transgression happened in the first place. Such avoidance can only hurt your employees and your organization in the long run. You must have an effective discipline and termination strategy in place.



Scary Statistics



A jury in Jackson County, Missouri, awarded **\$6.5 million** to an ex-police officer who claimed wrongful termination against the Kansas City Board of Police Commissioners. The verdict exceeded expectations of the plaintiff's attorney, who asked the jury for \$1.9 million.

A Wyoming jury awarded a short-term employee **\$550,000** in damages after finding he was fired in retaliation for filing a workers compensation claim.

A former Chevron employee was awarded **\$5.5 million** by a San Francisco federal court jury that found the company was liable for retaliation and wrongful termination.

Don't let discipline issues snowball into costly lawsuits. Management professionals need a structured approach for disciplining and firing employees, which includes acquiring necessary documentation that will hold up in court.

Progression is the Key

Progressive discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards.

The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists

Safe Processes

The process of progressive discipline is not intended as a punishment for an employee, but to assist the employee to overcome performance problems and satisfy job expectations.

Progressive discipline is most successful when it assists an individual to become an effectively performing member of the organization.

Document, Document, Document

The importance of documenting and retaining records for each employee:

Documentation is a written record of an employee's actions, discussion, incidents of performance coaching, witnessed policy violations, disciplinary action, positive contributions, reward and recognition, investigations, failure to accomplish requirements and goals.

Documentation allows the employer or employee to preserve a written record of the happenings and discussions that occurred around a specific event.

In this matter, you can never have too much documentation!



Documentation Types

Documentation may be formal and retained in the employee's personnel file. Employees are expected to sign this documentation to acknowledge that they have received a copy and have reviewed the contents. (The signature does not signify agreement with the statements in the documentation.)

Documentation may also be informal as in a manager's record of his or her discussions with an employee over the course of a year. It is important that supervisor maintains this documentation on all of their reporting staff members; no employee should be singled out because of performance. (This could be construed as discrimination at a later date.)

Documentation of critical incidents, whether positive or negative, is also recommended so that managers have a record of employee performance spanning a period of time.

Supervisory Disciplines

It is not required that you turn in documentation with a Verbal consultation. However, Supervisor's will need to document any conversation that takes place with an employee regarding discipline. This protects the supervisor, department and County.

As a Supervisor, you should never deliver a discipline to an employee of the opposite sex without a witness. Best case, have a management member of the opposite sex or an HR member present. Protect yourself and the County from lawsuits.



Progressive Discipline Steps

The first step is to counsel the employee about performance and ascertain his or her understanding of requirements. Find out whether there are any issues contributing to the poor performance, that are not immediately obvious to the supervisor. Solve these issues, if possible.

Initial Contact - if poor performance continues, consider reprimanding the employee for poor performance by speaking with them again (formally known as a “Verbal Warning”).

Provide a **Written Notes on the Verbal Warning** in the employee's file, as an effort to improve employee performance.

Performance Improvement Plan (PIP) – Create a PIP as a defined set of objectives designed to give an employee a chance to improve and can often be interpreted as a warning that dismissal is a likely outcome if improvement is lacking.

A Final Written Warning – is the forth and final step in the discipline process. Depending on the severity of the offence, unpaid suspension for up to three (3) working days may be placed on the employee.

Termination notice - End the employment of an individual who refuses to improve or keeps on breaking rules set by Anderson County.

The Importance of PIP's

If the employee refuses a performance improvement plans (PIP), progressive discipline enables the organization to fairly, and with substantial **documentation**, terminate the employment of employees who are ineffective and unwilling to improve.

To develop an all inclusive PIP, please reach out to your HR Department.

The Woe's of Internet and Employee Lawsuits!

At every turn there are articles, commercials, blogs, etc. begging your employees to file a lawsuit! See a sample web page below. This page is as simple as hitting a submit button to sue your employer.

Findlaw.com

Employment Law

Welcome to FindLaw's Employment Law Center. Here you will find information and resources to help if you or a loved one are involved in an employment dispute, experiencing a job loss, or in need of assistance with an employee-related legal matter. This section also provides in-depth information on all phases of the employment process -- from the job interviewing and hiring process, to promotion and termination. Additionally, the Employment Law section provides information about privacy in the workplace, wage and hour laws, workplace safety, family leave policies, and detailed advice on hiring an employment lawyer.



Unconcerned Manager

If it is believed an employee complaint about unfair treatment or discrimination is unimportant, take a look at these statistics.

For starters, the median award for all employment-related claims in 2013 skyrocketed by 60% over 2012. The median amount last year was \$412,640.

That stat comes from the latest survey by Jury Verdict Research. Here's more from the survey:

The claim where your company will most likely pay the most: ***retaliation***. Judges and juries are especially tough when they perceive that a supervisor got tough with an employee who filed a complaint about discrimination or other unfair treatment.

The claim your business will pay the most for if it goes to a jury: ***age or disability discrimination***.

The claim your company is most likely to get hit with: ***sex or race discrimination***. They remain the most common.

Q & A

Q. After covering the discipline with an employee, what do you do if they refuse to sign the document?

A. Ask the employee if they have a disagreement with any part of the documentation. If so, then discuss it with them. If they want to write a statement about the situation, then flip the page over and let them write on the back. If the employee simply disagrees with the discipline and refuses to sign, remind them of the comment at the bottom of the page that says that by signing this they may not agree with the content but that they were talked to about the situation.

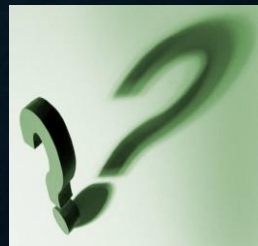
Q. What if some employee asks you about another employee's discipline?

A. A supervisor cannot communicate to other employees that any disciplinary action has taken place.

The most you can say, is that they need to trust that I am addressing any situation that happens if I am aware of the situation.

However, I honor the confidentiality of all employees, so will make no comment about any specific person or situation. (This tells them that they will receive the same confidentiality if they experience difficulties.)

Mostly, you are working to create an environment in which people feel problems and issues are addressed without violating the confidentiality of any employee.



Thank You!

Please contact your **Human Resources & Risk Management Department** if you would like to discuss this training at 865-264-6300 or kwhitaker@andersontn.org .