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LMGT-1101 – Best Practices in Managing and Responding to Staff Performance Issues

36th Annual Virginia EMS Symposium
An Education for Life

The Challenge for this ODU, VT and FL College Football Fan

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Course Description

Every supervisor and manager is charged with properly handling staff performance issues. When performance is outstanding and staff members are eagerly engaged, life is good and the organization enjoys success. However, work life is not good when poor performance becomes an issue. This course addresses how every supervisor can make effective performance improvement a reality with specific knowledge, understanding and additional tools for success to the benefit of the individual, the work team and entire organization. Actual cases will be used to enhance student learning.

Learning Objectives

- Be familiar with organizational PEFORMANCE and discipline concepts and terminology.;
- Be able to handle allegations and conduct proper investigations into complaints;
- Be able to identify which disciplinary actions and procedures are appropriate to use in specific situations.;
- Know how to impose staff/employee discipline.;
- Be able to write a Performance Improvement Plan (PIP). ;
- and how and when alternatives to traditional discipline may be most effective
- Be familiar with the concept of Workplace Violence and how to prepare your organization for prevention and develop a functional response. ;
- Understand the role due process plays for staff members, particularly in the public sector.

Key Course Concepts Discussed

- Performance Mgt vs. Performance Appraisal
- Code of Conduct
- Ethical Behavior
- Employment-at-Will (EAW)
- Wrongful & Constructive Discharge
- Just Cause
- Due Process
- Complaint
- Allegation
- Investigation
- Discipline Avoidance Reasons
- Discipline- Types, Progressive, Alternative
- Wrongful vs. Effective Discharge/Termination

Cases to Tackle

- The Absentee Probationer
- The Heavy Footed Recruit
- The Angry Hospital Pharmacist
- The Concerned Family Member
- The Macho Man Recruit
- The Very Friendly Supervisor
- The Disgruntled Co-worker
- The Time Card Waltz
- Romancing the Assistant Chief

The Case of Failure to Connect!

Failure To Communicate

What is a Manager's Primary Role in Every Organization?

- 1.
- 2.
- 3.

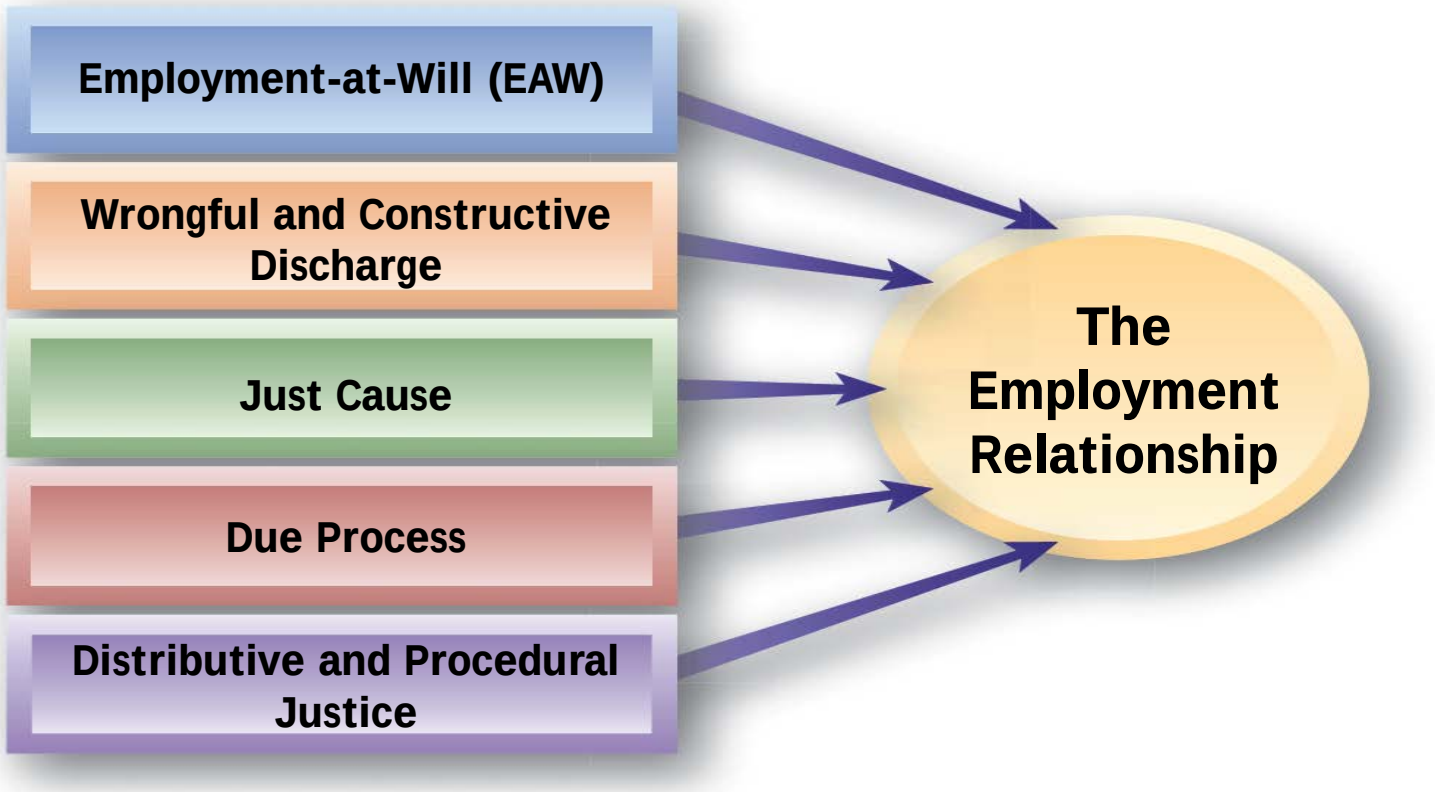
What Are your Top 3 Stand-Out Outstanding Leader & Mentor Traits

- 1. Effective Communicator, Expectations clear
- 2. Honest, Genuine
- 3. Accessible
- 4. Trustworthy, Fair
- 5. Gives Encouragement
- 6. Consistent
- 7. Goal Oriented
- 8. Problem Solver
- 9. Willing to Work Next to Subs

Employee Rights and Responsibilities

- **Rights**: Power, privileges or interests derived from law, nature, or tradition
- **Statutory rights**: Based on specific laws or statutes passed by federal, state, or local governments
  - Equal employment opportunity
  - Workplace safety
  - Collective bargaining
- **Responsibilities**: Obligations to perform certain tasks and duties: Do the right things, be good, tell the truth.

Rights Affecting the Employment Relationship



Management & Employee Rights

Employers	Employees
Have the Mgt. rights to hire, fire, demote, organize & prioritize work, promote as they choose, unless there is a contrary law or contract.	Have the right to quit and get another job under the same constraints.

Key Concepts

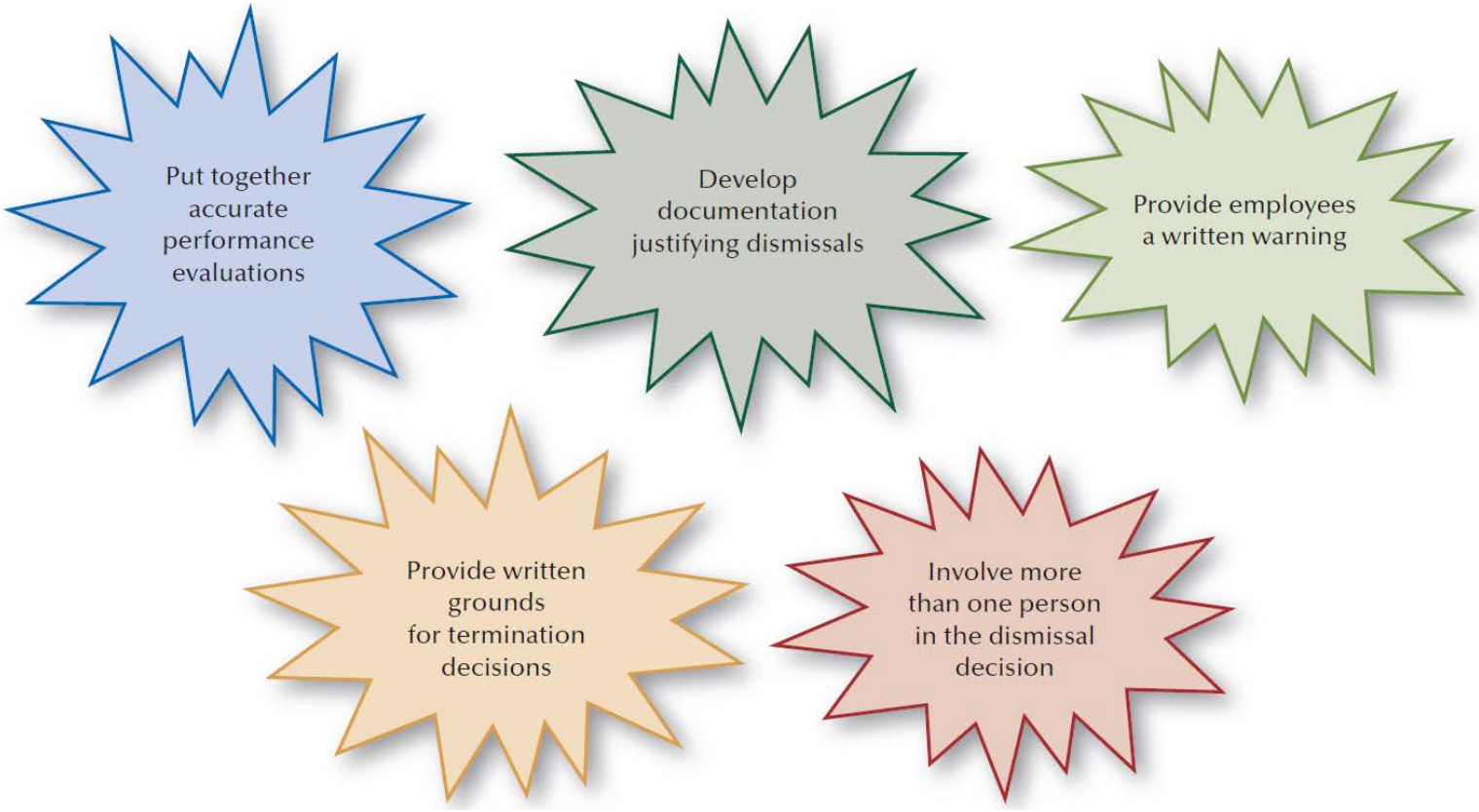
Wrongful Discharge

- Termination of an individual's employment for reasons that are improper or illegal…..i.e. retaliation, whistleblowing

Constructive Discharge

- An employer deliberately makes working conditions intolerable for an employee in an attempt to get (to force) that employee to resign or quit.

Keys for Defending against Wrongful Discharge



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Key Concepts

- **Just cause**: Reasonable justification for taking an employment-related action
- **Due process**: Requirement that the employer use a fair process to determine employee wrongdoing
  - Allows employees to explain and defend their actions against charges or discipline…i.e. a pre-disciplinary hearing, a career service/civil service hearing by peers

Organizational Justice

Distributive Justice

- Perceived fairness in the distribution of outcomes

Procedural Justice

- Perceived fairness of the process used to make decision about employees

Interactional Justice

- Perceived fairness about how a person interacts with others

Open Door Policy

- Anyone with a complaint or allegation can talk with a manager, an HR representative, or an executive
- Probability of being mishandled
  - Nonunion firms benefit from having formal complaint procedures that are well-defined
  - Unionized organizations, in states with collective bargaining for public employees typically have a formal grievance process that may include binding arbitration.

Employees' Free Speech Rights

Employee Advocacy of Controversial Views

- Handling concerns
  - Attempt informal resolution first
  - Outline the boundaries and standards for appropriate behavior in a formalized policy that addresses work expectations
  - Signed nondisclosure privacy agreement

Whistle-Blowing and Employee Protection

- **Whistle-blowers**: Individuals who report real or perceived wrongs committed by their employers

Laws Protecting Whistle-Blowers

- Sarbanes-Oxley Act- Focuses on fraud prevention and whistleblower protection
- Dodd-Frank Wall Street Reform
  - Company guilty of retaliation is required to:
    - Give the individual back his or her job
    - Provide back pay or double back pay to make up for lost compensation
    - Cover any costs associated with legal counsel
- Consumer Protection Act

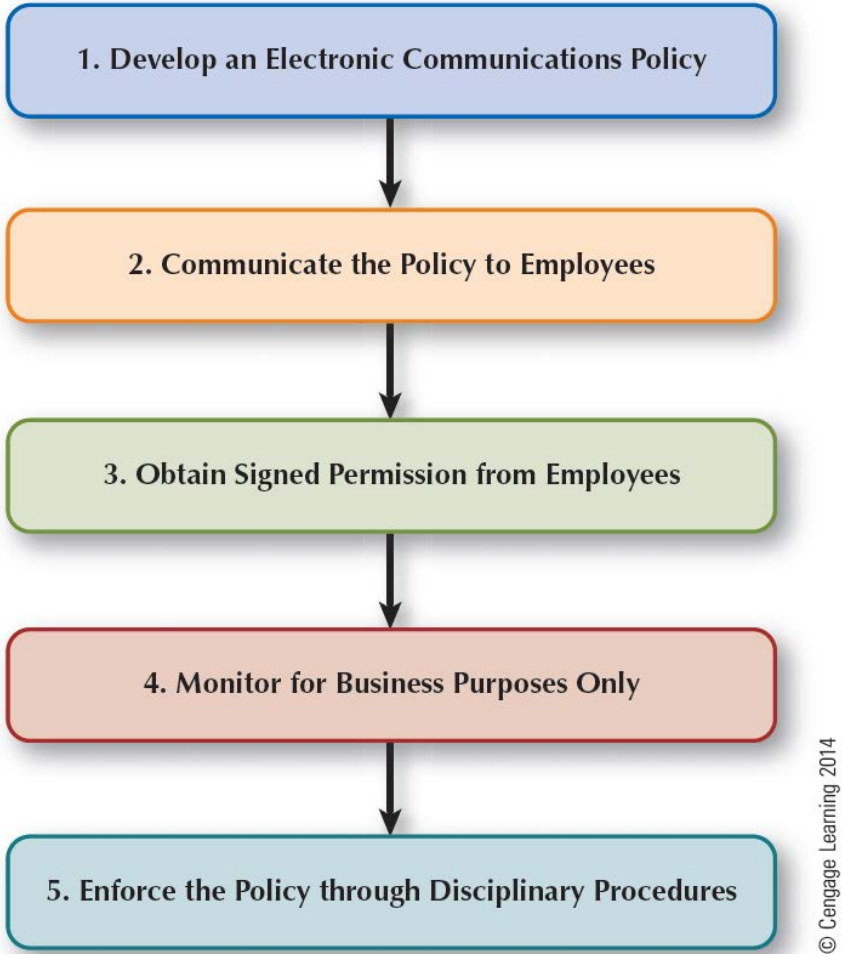
Technology and Employer/Employee Issues

Monitoring Electronic Communications

- Helps with the following challenges:
  - Tendency to communicate more casually in e-mails can lead to inappropriate communication
  - Forwarding unprofessional content

HR Policies on Electronic Communications

Recommended Employer Actions Regarding Electronic Communications



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Conducting Work-Related Investigations - Best Practices

Develop a good working plan to respond in times of crises

- Give high priority to confidentiality throughout investigations
- All important incidents should be properly documented

Specify whether HR or another party will conduct the actual investigation

Investigate problems quickly before evidence can be tampered with

Credibility of individuals providing information in an investigation must be assessed

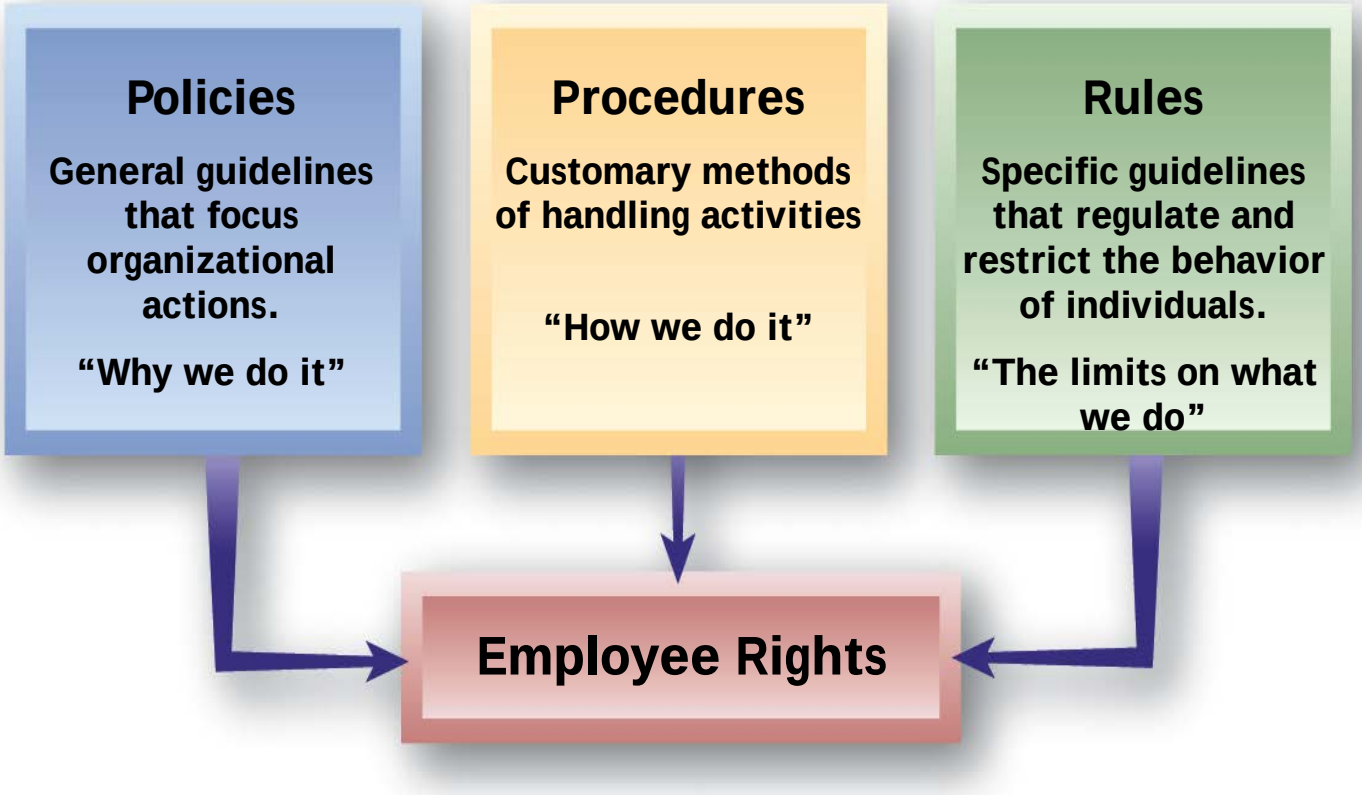
Use the stories and information collected to identify a conclusion to the investigation

Workplace Violence Defined

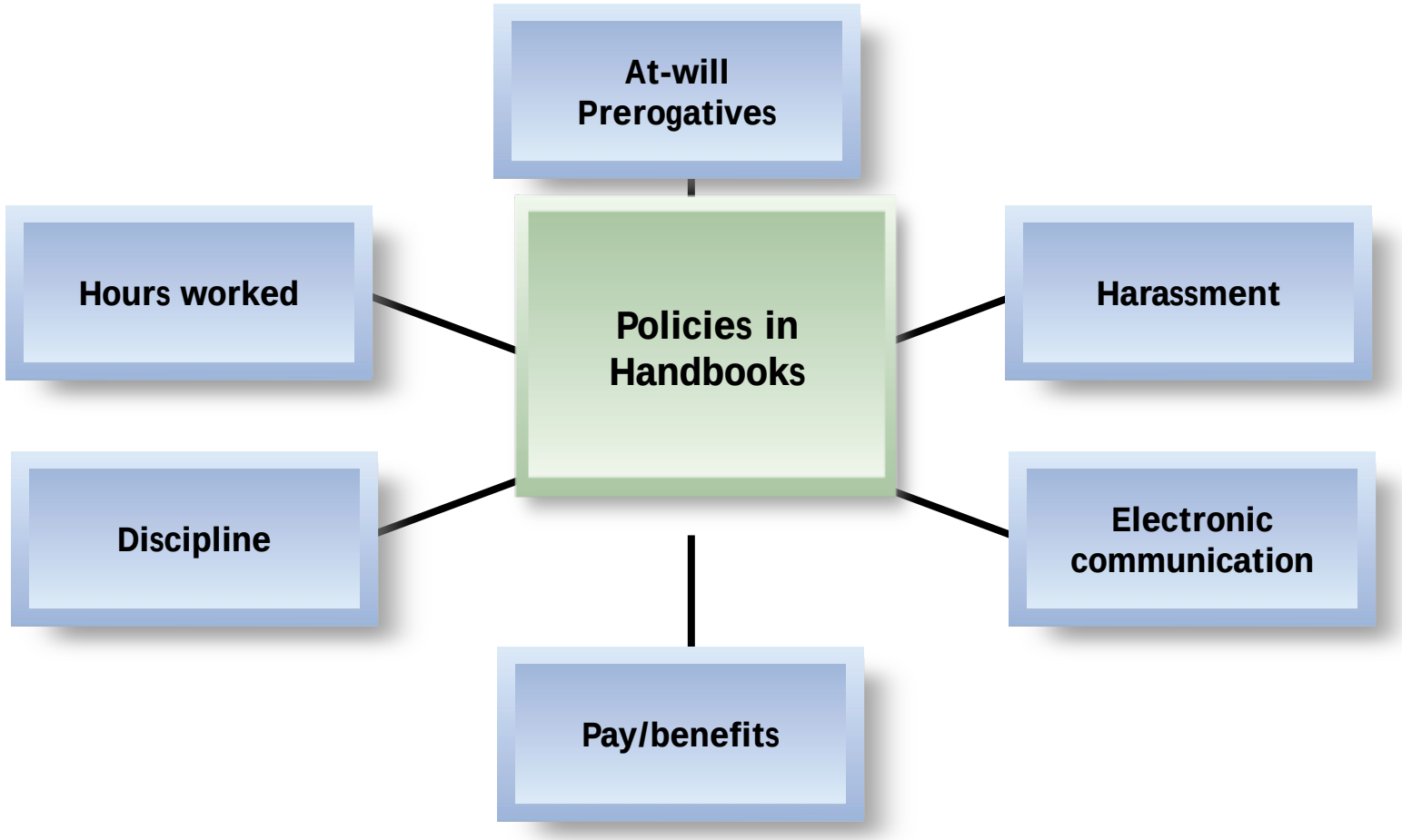
Workplace Violence is:

An assault or other violent act/threat that occurs in or is related to the workplace and entails a substantial risk of physical or emotional harm to individuals or damage to company resources or capabilities.

Organizational Policies, Procedures, and Rules



Employee Handbooks



Employee Discipline

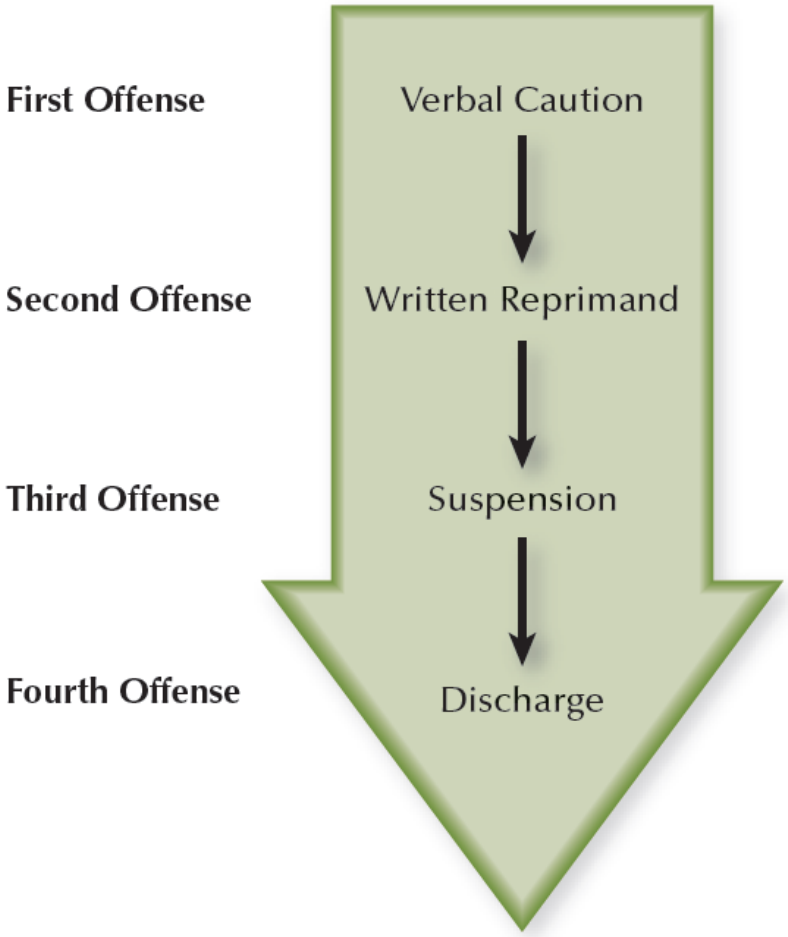
- **Discipline**: A form of training that enforces organizational rules; Intended to create positive behavior & performance change.
- Effective discipline
  - Focuses on problem behaviors, not at the employees personally
  - Supports distributive and procedural justice in the organizations
  - Relies on supervisors and managers who are properly trained on when and how to use discipline

Employee Discipline Avoidance?

Common Discipline Approach

- Counseling
- Written Documentation
- Final Warning
- Discharge

Progressive Discipline Process



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Discharge and Termination

- **Discharge**: When an employee is removed from a job at an employer
- Aka: Involuntary termination; Firing; Letting a person go

- Effective Discharge/Termination hinges on thorough communication verbal and written and witnesses. Do not discharge alone!

Performance Management versus Performance Appraisal

Performance Management	Performance Appraisal
Series of activities designed to ensure that the organization gets the performance it needs from its employees	Process of determining how well employees do their jobs relative to a standard and communicating that information to them

The Nature of Performance Management

Some Characteristics of Jobs and People

Job Characteristics
(Management can control)

- Tasks
- Authority/ responsibility
- Policies and procedures
- Tools
- Variety
- Time requirements
- Social opportunities
- Working conditions
- Stress

People Characteristics
(Management cannot easily control)

- Motivation
- Interests
- Energy level
- Personality variables
- Satisfaction predisposition
- Physical characteristics
- Honesty
- Conscientiousness
- Intelligence

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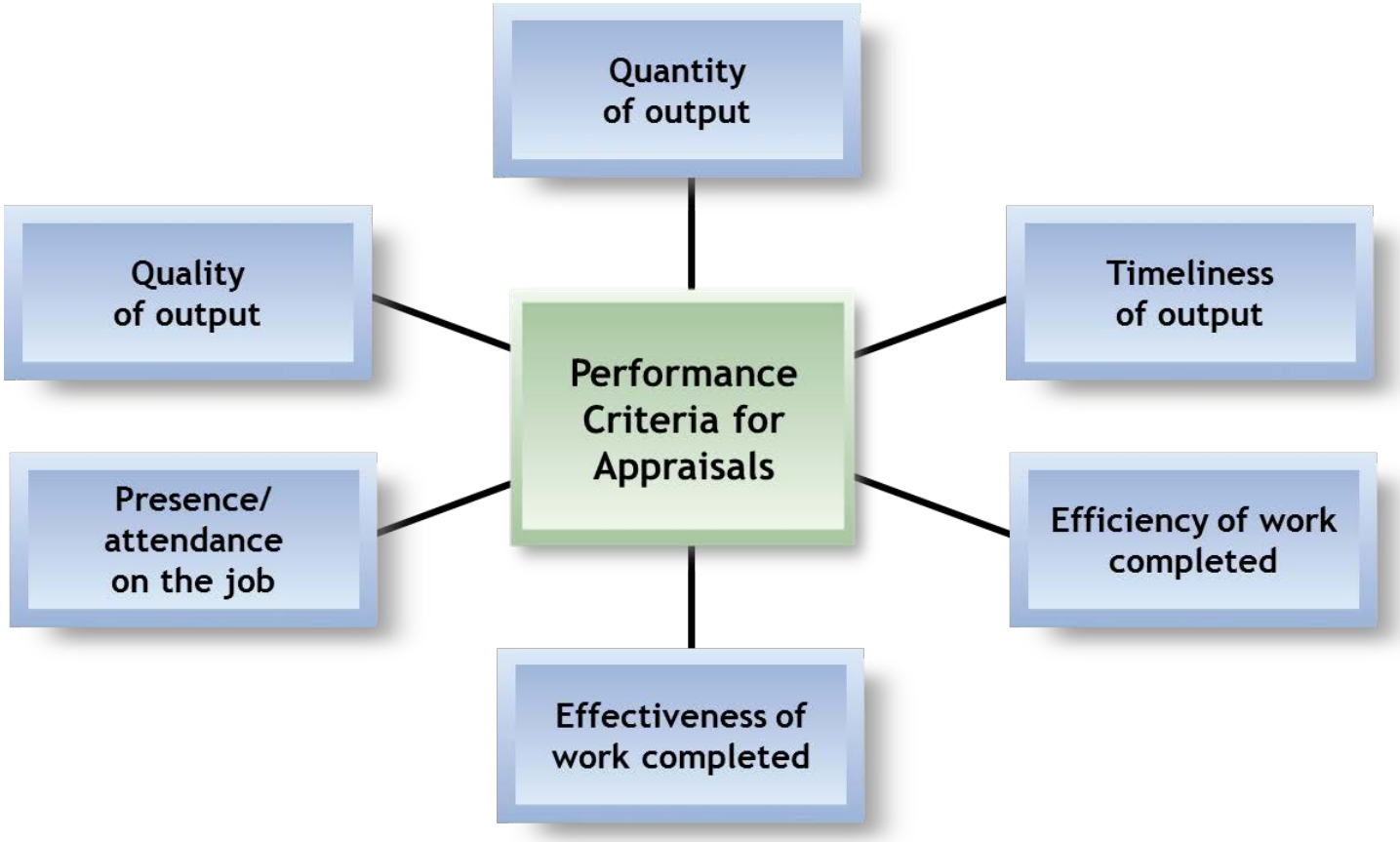
Identifying and Measuring Employee Performance



Performance Standards

- Define the expected levels of employee performance
- Should be realistic, measurable, and clearly understood
  - Benefit both organizations and employees
- Ensure that everyone involved knows the levels of accomplishment expected
- Can be both numerical and non-numerical
  - Assessing non numerical standards can be difficult

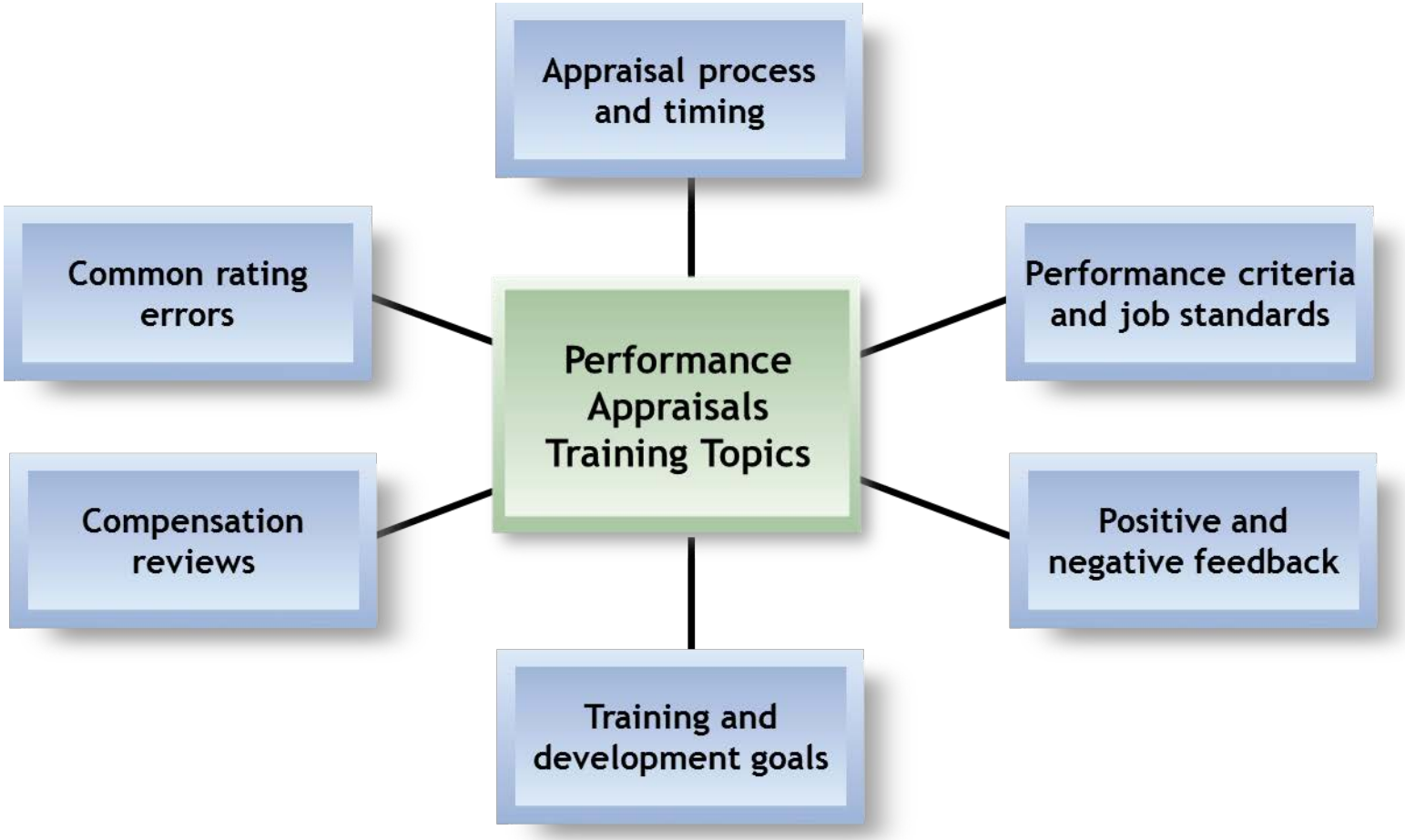
Difficulties in Measuring Service Performance

- Services are individualized for customers
- Great variation in the services that can be offered
- Perception of quality can be subjective

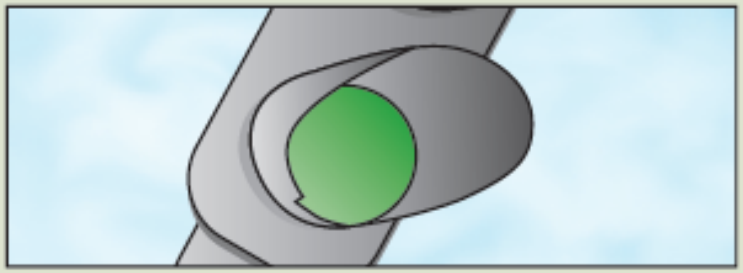
Sample Terms for Defining Standards

5	**Outstanding:** The person is so successful at this job criterion that special note should be made, and performance ranks in the top 10%.
4	**Exceeds Expectations:** Performance is better than average for the unit, given the common standards and unit results.
3	**Meets Expectations:** Performance is at or above the minimum standards. This level is what one would expect from most experienced, competent employees.
2	**Below Expectations:** Performance is slightly below the minimum standards. However, potential to improve within a reasonable time frame is evident.
1	**Unsatisfactory:** Performance is well below standard. Whether the person can improve to meet the minimum standards is questionable.

Training Of Managers And Employees in Performance Appraisal

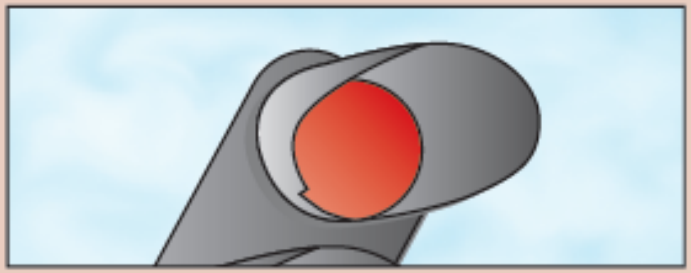


Performance Improvement Plan Approach – Appraisal/PIP Meeting Hints for Managers



DO

- Prepare before interview
- Focus on objective performance
- Be specific about ratings and feedback
- Develop a future improvement plan
- Reinforce employee successes

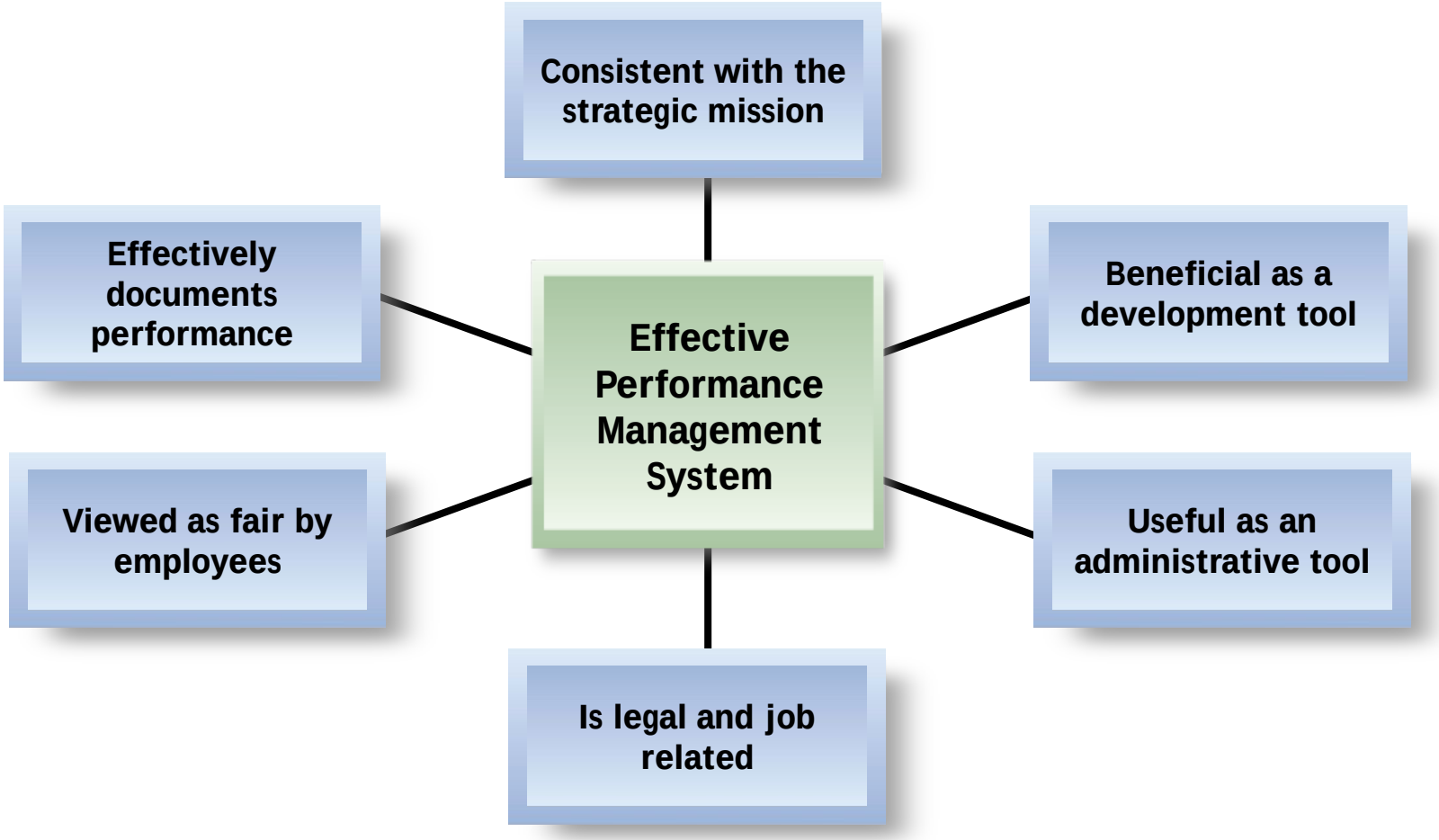


DO NOT

- Talk too much
- Berate or lecture the employee
- Focus entirely on negative job performance
- Think that the employee always has to agree
- Compare the employee with others

PIP: Specific, measurable goals and timeframe/deadline to next review- face-to-face.

Effective Performance Management



Cases

- The Absentee Probationer (multiple counseling sessions already)
- The Heavy Footed Recruit (110 mph in school zone)
- The Angry Hospital Pharmacist (Drug Mishandling)
- The Concerned Family Member (missing jewelry from a home)
- The Macho Man Recruit (sexual enuendo and come-on to multiple female recruits)
- The Very Friendly Supervisor (female boss making overtures and promises of favor)
- The Disgruntled Co-worker (specific threats being made following disciplinary action and extension of probationary period)
- The Time Card Waltz – (allegations of reported stealing of time from Agency)
- Romancing the Assistant Chief (new female subordinate)

Summary of our Learning Objectives

- Be familiar with organizational PEFORMANCE <u>and</u> discipline concepts and terminology.;
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Thank You!!!!

References

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