

Progressive Discipline Job Aid



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Document Purpose

The purpose of this document is to outline MarketSource's progressive discipline management process in the context of our performance management philosophy. Managers should use this guide when moving from performance management and coaching into counseling and discipline.

Our Performance Management Philosophy

Managing performance is a critical component in creating and maintaining high performance work teams. At MarketSource our strategy is to hire high quality talent well suited for assignments that maximize their skills and experience while providing outstanding results for our clients. To accomplish this, all managers must:

- ❖ Set clear, measurable objectives based on required results. Meet with all employees upon hire to discuss these objectives and performance standards.
- ❖ Provide training and coaching and necessary tools to achieve high standards on the job.
- ❖ Monitor and manage performance aggressively – by provide ongoing feedback and coaching, perform verbal and written performance reviews, seek ongoing feedback from client on achievement of results and performance of our employees.
- ❖ If negative feedback on employee is received from client, we research and provide appropriate feedback to employee – coaching, verbal warning, written warning, final written warning/PIP and/or termination depending on circumstances. Situations will be documented properly.

Introduction

Managers are often frustrated by the notion of a never-ending employment relationship with troublesome employees. They are dismayed when faced with the challenge of addressing performance or behavioral issues with employees who feel empowered by their perceived “rights.” This leaves many managers feeling paralyzed and ill-equipped to act. However, employers can negotiate the confusing, intimidating path of discipline effectively and secure a successful outcome by maintaining two fundamental principles:

- 1) Employees deserve the opportunity to understand what is expected of them in terms of performance and behavior; and
- 2) A warning notice is a tool used to explain to employees what is unacceptable and to give them the opportunity to change their behavior or performance through corrective action.

Discipline should be **progressive**, although there are circumstances under which some steps in the disciplinary process should be bypassed. Before disciplinary action is taken, the supervisor should review the employee’s disciplinary record. Employees should not be terminated before consulting with a representative from human resources. Even in circumstances under which the likely outcome will be the employee’s termination, the employee can be suspended “pending investigation,” and, if the employee is ultimately terminated, that termination should be done in the proper, controlled environment in a professional manner.

Human Resource (HR) is available and should be consulted with all performance related matters.

What Is Progressive Discipline?

For discipline to be progressive, each related event or incident must trigger a response that is more severe. Each “step” in the process more strongly encourages the employee to modify his or her behavior.

<i>Pre Discipline (Step one):</i>	<i>Coaching Session(s) (<u>DOCUMENT</u>)</i>
Step two:	<i>Verbal Warning</i>
Step three:	<i>First Written Warning</i>
Step four:	<i>Final Written Warning / Performance Improvement Plan</i>
Step five:	<i>Termination</i>

Serious infractions warrant skipping one or more steps and jumping to a higher level of discipline. It may be appropriate to suspend an employee and contact the HR department to review the incident. For example, it may be advisable to suspend employees involved in a physical altercation because the organization’s primary objective may be to remove the danger rather than to announce a termination and risk the escalation of a situation. Also, there are infractions such as fighting or theft may warrant termination as the first and only step.

A Word about Progressive Discipline

Generally speaking, an employee should only be counseled once. Sitting down and talking to an employee over and over about an issue usually just intimidates the employee, frustrates the supervisor and negates the legitimacy of the progressive disciplinary process. Similarly, when preparing to deliver a **final warning** to an employee, managers should be prepared to stick to it. Attorneys representing employees **love** to see multiple final warnings; the more there are, the less they mean! The manager and the employee should both be aware that a final warning is just that—**final**. The only appropriate next step is termination. There is no going back.

Tips for Successful Discipline

- Do not speak to employees “out in the open.” Employees deserve to be afforded privacy. Regardless of the infraction, employees do not deserve to be embarrassed.
- Managers should maintain a professional, calm demeanor and be firm, but speak to employees with the same respect they deserve.
- Unless the severity of the incident dictates severe discipline, do not skip steps. Usually, this results in the perception that the employer was looking to expedite the employee’s termination. Each case should be evaluated individually. If in doubt, please contact Human Resources to discuss.
- Remember that the notice is called a “Written Warning” because the employer is trying to help employees correct the behavior that is getting them in trouble. Employers don’t write people up to “get” them; nor is most employees’ overall objective to get fired.
- Employees fire themselves. They begin their employment with perfect performance and a perfect attendance record. As they deviate from that model, they are coached, counseled, and warned. If they choose to ignore these warning signs, they will have “fired themselves.” The bottom line is: **Firing should never be a surprise for the employee.**
- Important: Sometimes managers hesitate to write employees up because of emotional factors. Usually, if a problem is ignored, it doesn’t go away—it gets worse. A manager is actually doing employees a disservice by ignoring their behavior, making excuses for it or being overly sympathetic. Employees appreciate knowing where they stand. One of the worst scenarios is a supervisor who fails to write up an employee who, in turn, continues to think nothing is wrong. Then, one day, the supervisor can’t take it anymore and emits a frustrated “YOU’RE FIRED!”
- Untruthful performance feedback can also have significant legal ramifications. Discipline should always be consistent with business necessity; warning notices should document the business reasons for addressing the issue.

These tips should help alleviate some of the apprehension employed with the process of disciplining employees. The following are templates used for the above mentioned disciplinary steps.

Disciplinary Templates

<i>Pre Discipline (Step one):</i>	<i>Coaching Session(s) (<u>DOCUMENT</u>)</i>
<i>Step two:</i>	<i>Verbal Warning – Follow up email</i>
<i>Step three:</i>	<i>First Written Warning</i>
<i>Step four:</i>	<i>Final Written Warning / Performance Improvement Plan</i>
<i>Step five:</i>	<i>Termination</i>

General Instructions:

1. The following are templates only and could not possibly consider all performance issues, it is critical to work with Human Resources to determine appropriate level of discipline and proper documentation strategy.
2. All documentation should be written in an official, consistent format.
3. Avoid using one warning notice for different infractions (unless they are related, such as patterns of absence or lateness).
4. Check the employee's history. Warning notices should be sequential (check to see if the employee has already received a written warning for this type of offense). The notice should include the step of the discipline process (i.e.: first written warning, final written warning, etc.)
5. The notice should state the next step the employee should anticipate if the infraction is repeated.
6. Except for the Verbal Warning, the employee should be asked to sign the notice. If the employee refuses to sign, write "employee refused to sign" in the space and have a witness initial that the employee received a copy of the notice.
7. Warning notices are documents the employer may need at unemployment hearings or in defense of wrongful termination or discrimination claims. Employees should NOT write on the notice, other than a signature. If the employee wishes to submit a written response, it should be on a separate sheet of paper and attached to the warning notice.
8. The interval between warning notices is very important. Warning notices issued one year or more before a second warning notice should be given little weight, unless both infractions are of a major or severe nature. Again, contact Human Resources to discuss.
9. Send all documentation to HR for records retention.

Manager's Record of Coaching Session

For internal documentation purposes only, do not present to the Employee. Maintain in your records.

Employee Name: _____

Manager Name:

Date of Coaching Session: _____

Date (or date range) of incident: _____

1. Statement of the problem: (violation of rules, standards, practices or unsatisfactory performance.)
2. Prior discussions on this subject: (include date of discussion.)
3. Statement of company policy on this subject:
4. Summary of corrective action to be taken: (Include dates for improvement and plans for follow-up.):
5. Consequences of failure to improve performance or corrective behavior:
6. Factual observations concerning employee's reaction, commitment to correct behaviors, etc:

Verbal Warning Best Practices

Verbal Warnings

- ✓ Set up a meeting to discuss the employee's performance or conduct issues
- ✓ Meet in a private setting
- ✓ Have data to back up your position
- ✓ Be prepared

During the Verbal Warning Meeting:

- ✓ Give a clear description of the problem and examples
- ✓ Give employee an opportunity to respond
- ✓ Describe the impact of the behavior on the team, company, client, etc.
- ✓ List solutions, agree on a solution, include timelines – be specific
- ✓ Communicate seriousness of situation
- ✓ Agree on a date to discuss progress
- ✓ DON'T FORGET TO FOLLOW UP!

Tell the Employee:

- ✓ "This is a verbal warning."
- ✓ "Improvements need to be made as agreed upon."
- ✓ "This behavior (or sub-performance) is serious."
- ✓ "If this behavior or performance is not corrected by a specific date, it may result in further disciplinary action, up to and including termination."

Be sure to set realistic timeframes in order to see performance improve:

- ✓ Realistic timeframes can be immediate, 30, 60 to 90 days
- ✓ Severity of discipline = severity of issues
- ✓ Weekly one-on-one meetings to provide guidance

Document the discussion – follow up email with the employee to reiterate the verbal warning and keep a copy in your employee file.

Follow-up Email to a Verbal Warning

As a follow-up to our conversation yesterday regarding your verbal warning, you should have a clear understanding of your performance expectations and areas for immediate improvement.

The following areas of performance will be monitored closely through (date) to ensure improvement:

- ✓ Use of the PartnerSource calendar
- ✓ Daily reporting into PartnerSource
- ✓ Average five hours of face time, per day, during store visits
- ✓ Timely completion of surveys
- ✓ Expense reports completed and submitted at the end of each week
- ✓ Read and respond to all emails as required

- ✓ Prompt response and communication with me

Also, after reviewing my records, you will be expected to:

- ✓ Complete PartnerSource 3.0 Certification no later than May 31

Should you be unable to improve and sustain this level of performance, further disciplinary action up to and including termination of your employment may occur. We will meet on (date) to discuss your progress on the above items.

(Employee name), I have every confidence that you are capable of excelling in this position. If you have questions or need clarification on any aspect of the job, please call or e-mail me.

After the session and follow-up email:

- ✓ Remember to follow up and document improvements or lapses in behavior
- ✓ Meet with employee as agree and measure results
- ✓ If behavior improves, make a point to acknowledge and reward. Document improvement for file and share with HR
- ✓ If behavior does not improve, move to a written Corrective Action Plan with the assistance of HR

Manager's Record of Verbal Warning

For internal documentation purposes only, do not present to the Employee. Maintain in your records.

Employee Name: _____

Manager Name:

Date of Verbal Discussion: _____

Date (or date range) of incident: _____

1. Statement of the problem: (violation of rules, standards, practices or unsatisfactory performance.)
2. Prior discussions on this subject: (include date of discussion.)
3. Statement of company policy on this subject:
4. Summary of corrective action to be taken: (Include dates for improvement and plans for follow-up.):
5. Consequences of failure to improve performance or corrective behavior:
6. Factual observations concerning employee's reaction, commitment to correct behaviors, etc:

First Written Warning Memo

TO: {Employee Name}

DATE: {DATE}

FROM: {Your Name and Title}

SUBJECT: First Written Warning

During the past {#} months, I have observed, inquired about and uncovered multiple issues that are of serious concern regarding your performance. We have held discussions on several occasions, specifically {dates}. I would like to take this time to address these issues openly and outline specific action steps to correct and improve this situation on a "go forward" basis.

The following are specific examples where you have failed to meet MarketSource performance standards.

- List Examples
- Displayed hostile, disruptive behavior to co-worker / manager
- Falsified company records: call reports
- Fighting or threatening violence in the workplace
- Found to be in violation of the **Policy and Procedures for smoking in prohibited areas**
- Excessive absenteeism or any absence without notice

I have outlined the following needed areas of improvement:

- Make sure improvement areas are specific and have timelines.

Name, it is important that you understand that this is a plan to help you improve your performance and allow you the opportunity to succeed at MarketSource. I expect to see immediate, marked and sustained improvement in all areas. Failure to correct these areas may jeopardize your continued employment with MarketSource **OR** will result in you being placed on a Final Written Warning/Performance Improvement Plan.

I acknowledge that I have met with my manager to discuss this memorandum.

Employee

Date

Manager

Date

One copy to Employee, one copy to Manager, and original copy to Human Resources.

Final Written Warning Memorandum

Confidential and Proprietary

TO: *{Employee Name}*

DATE: *{DATE}*

FROM: *{Your Name and Title}*

SUBJECT: *Final Written Warning / Performance Improvement Plan*

The following documentation is provided to summarize recent job-related issues surrounding your overall performance in your current role as a **XXXXX**. During the past *{#}* months, I have observed, inquired about and uncovered multiple issues that are of serious concern regarding your performance. I would like to take this time to address these issues openly and outline specific action steps to correct and improve this situation.

Per our previous discussions your performance is significantly below job requirements. The following performance issues, that I previously documented on (*date, date, date and date*), continue to persist: *(Enter specific observations under each issue, site examples of problems, delete or add to issues listed below.)*

- **Team Work:**
- **Accountability:**
- **Timeliness:**
- **Appropriate Behavior and Professional Conduct:**
- **Communication Skills:**
- **Etc:**

As we discussed this performance level is unacceptable. Therefore, the following improvement plan will be implemented effective date of PIP discussion. This plan is designed to provide you with insight regarding specific performance issues and provide you with the opportunity to improve your performance to acceptable levels. Improvement must be immediate, marked, and sustained.

I would like to ensure that you achieve success in your position through the following action items. To that end, you must accomplish the following performance improvement objectives between **XXXXX** and **XXXXX**. We will meet periodically during that time to monitor these objectives.

- *(Enter specific, measurable, tangible, time-bound expectations / objectives for improvement. Include training or direction that will be provided along with positive and negative consequences.)*
- *{List action items; list interim meeting dates with each objective.}*

Let me know if I can assist or help you in anyway to succeed. I will do everything possible to help you meet and exceed the goals above. I remain confident you will achieve and surpass your objectives. I trust you will keep this information private and confidential. This information should not be shared with any coworkers or business employees.

Name, it is important that you understand that this is a plan to help you improve your performance and allow you the opportunity to succeed at MarketSource. This improvement plan is designed to help you succeed, and the results of each item will be reviewed with you on a monthly basis (or more frequently as needed). Immediate corrective action is required on your part. Failure to meet either of the above minimum performance standards will result in discipline up to and including termination.

Employee's Signature

Date

Manager's Signature

Date

Sign below if the employee declines to sign this document:

Manager's Signature

Date

Witness' Signature

Date

Employee Objection Procedure

- The employee should address the subject in writing to his/her direct manager within three (3) business days.
- The employee's direct manager will respond to the employee within three (3) business days.
- If the employee is not satisfied with the manager's response, employee should send the written complaint to his/her Program Director.
- The Program Director will respond to the employee within three (3) business days.
- If the employee is not satisfied with the director's response, employee should send the written complaint to the HR Director in Alpharetta.
- HR Director will review the complaint with the manager and director and respond to the employee within seven (7) business days.