

# Unacceptable Behavior – What do you do about it?

From the Skillpath Newsletter

If we deal with problem behavior in a timely manner we can probably resolve it. But, too often we're so busy handling matters that appear urgent that we ignore what's really important. And, handling those kinds of matters instead of the important ones can become habit. Here's the reality: Problem employees, if not dealt with effectively and in a timely manner, can quickly become your most urgent matter. So why not deal with them immediately?

An effective way to do that is to have a plan in place that allows you to progressively handle employee problems. It's commonly referred to as "progressive discipline." Progressive discipline underscores the importance of clearly communicating company expectations of employee behavior in advance. If expectations are not met, problems are handled promptly in a consistent and effective manner. It's important that your company has such a plan in place. A relatively simple and straightforward system can be used to address all but the most serious of employee infractions (such as violence in the workplace), and would include the following steps:

1. Verbal warning
2. Counseling
3. Written warning
4. Suspension
5. Termination

There are variations to those five steps depending on your company plan and the circumstances of the specific problem. But generally, the first step in the progressive discipline process is the verbal warning. Keep in mind that you've already talked with the employee, perhaps on an informal basis, about the problem behavior. Those talks weren't necessarily of a disciplinary nature. However, for whatever reasons, the problem persists and now it's become a discipline issue. The verbal warning then is the first official disciplinary step you're taking with this employee. An effective verbal warning session can resolve the performance problem quickly, without the need to proceed to more formal disciplinary steps. It is therefore important to research the facts thoroughly and otherwise be completely prepared before sitting down with the employee to discuss the problem.

During the meeting, make sure there is a clear understanding between yourself and your employee of the problem at hand. Approach the discussion objectively and tactfully, without using highly emotional language. Use active listening techniques to guarantee your employee feels that you've heard and understood his or her side of the story. Once you've identified the problem, clearly outline your expectations of change. Before ending the meeting, make sure that the employee understands and acknowledges the steps that you will take if the changes are not made.

If verbal discussions with the employee are ineffective and the problem behavior

continues, you will then provide formal counseling to help the employee improve the problem behavior. This step sometimes comes before the verbal warning. But, it is important to document the counseling and to note specific behaviors and specific actions that you've recommended during the counseling sessions.

The next step is the more formal, written correction phase of the process. You and your company will be open to significant legal trouble if this part of the discipline process is not handled carefully and consistently. Written documentation of employee performance problems must be objective, clear and complete. There can be no possibility for misinterpretation of the problem, or the corrective action the employee must take to resolve it.

If your efforts fail, and the problem behavior persists you may want to consider the next step, suspension. Suspension is a temporary removal of the employee from the premises. Be sure you check your local and state laws regarding this step. Some states require you pay your employee during the suspension and some do not.

As a last resort, and if you determine that termination is a real possibility, make sure you are prepared. In some companies the preferred method is to give the employee one final, written notification before starting the termination process. This notification must again be worded carefully to minimize negative legal exposure to the company later, should the employee decide to pursue some type of wrongful termination claim. As with the other written communications, the final notification should clearly state the actions that you require the employee to take to avoid termination. It should also outline the time expectations for the employee's compliance.

If you decide to take the final step and terminate the employee, remember that termination must always be handled with the highest level of attention to proper procedures. Particularly, you must have a complete written documentation of the correction and dismissal process. There is no guarantee that an employee will not pursue legal action after termination. But carefully following the right processes and maintaining excellent written documentation can significantly improve your company's likelihood of success in overcoming a legal challenge.