

## Introduction

This document is prepared to provide people managers with practical guidelines and best practices to assist in effectively managing problematic situations and employees.

Implement consistent practices for addressing, managing and correcting performance issues and misconduct of all colleagues across all regions in the Operations department. The general guidelines are as follows and templates are attached:

- Use a fair and consistent approach to conduct and performance issues.
- Correct issues through appropriate employee counseling and documentation.
- Resolve employee complaints promptly in order to minimize lost time and maximize the potential for positive results.

Use the *Employee Handbook* to articulate problems, prescribe solutions, and clearly define consequences up to and including termination of employment.

## Corrective Action Steps and Process

Your Human Resources department at CLEAR recommends approaching the performance or misconduct issue using the following guidelines.

### 1. Investigate the Issue - before taking action, answer the following questions:

- What happened?
- Who was involved?
- Where did it happen?
- Who witnessed the issue?
- What evidence or records exist that might document what happened?
- What was the employee's failure?
- Was the issue a performance failure or the result of misconduct?
- What is the employee's side of the story?
- What have others reported about the issue, if anything?

### 2. Analyze the issue and define an appropriate resolution – this will help determine the seriousness of the issue and the best action to take in correcting the issue.

- If it appears to be a performance issue, determine if it is due to lack of knowledge, skills or abilities.
- If it appears to be a misconduct issue, determine what specific policy or procedure was violated.
  - If it is a misconduct issue, is the violated policy or procedure outlined in the *Employee Handbook* or other posted policies and procedures?
  - The *Employee Handbook* contains various policies that may require disciplinary action up to and including termination of employment if violated.

- Is there evidence that the employee knew about the policy before it was violated?
- Can the issue be resolved with additional training, or counseling?
- What was the effect of the issue on the business, other employees and external/internal customers?
- What effects will an outcome have on other employees or customers?
- What action did you take when other employees committed the same or similar offense?
- Was the performance failure or misconduct of an especially egregious nature?
- Contact human resources as needed to discuss performance/misconduct issues in detail as well as, to discuss next steps for any of the following appropriate disciplinary actions:
  - Counsel Employee
  - Performance Improvement Plan to address performance issues
  - Written warning to address misconduct, behavioral issues, attitude, attendance, etc.
  - Termination of Employment

### Counseling Employees

A counseling session allows you to address and discuss a performance or conduct issue with the employee promptly after the issue occurs or after you are notified. It also provides an opportunity for managers to outline specifically what must be done to correct the issue. Some managers view this as the first step towards firing. Generally, a colleague can detect if their manager's intent is to give him or her fair chance to improve, or if the manager is just going through the motions in order to terminate the employee's employment. It is recommended that you view this as the first step towards correcting the problem and getting the employee headed in the right direction.

**Best Practices and Steps to a Successful Counseling Meeting** - Use the following steps consistently when counseling employees:

1. Clearly communicate your concerns to the employee regarding the deficiencies in performance and/or conduct.
2. Insert Title of Document.
3. Be specific, objective and focus on facts while telling the employee exactly what he or she did wrong.
  - a. Example: - "Last week we received four complaints about your rude behavior on the customer service line. You spoke curtly to the customers."
4. Explain the gap between the current and desired performance/conduct. Clearly state to the employee what needs to occur to correct the issue.
  - a. Example: - "Our department is dedicated to creating a positive customer experience, which is why we are serious about reducing the number of customer complaints received every month and this type of behavior on your part is unacceptable and will

not be tolerated. If you do not address this immediately this will lead to further disciplinary action up to and including termination of employment."

5. Inform the employee of consequences (i.e., you will be put on a PIP – for performance related issues; you will receive a written warning – for misconduct related issues).
6. Set clear expectations.
7. For performance related issues, set expectations as to what needs to happen (provide specific dates related to specific tasks and/or projects).
8. For misconduct related issues set expectations and clearly state to the employee that the problematic behavior needs to change immediately and that the change must be sustained.
9. Do not say "We'll revisit this matter after 90 days," or ignore such recurring issues and look the other way if the problem resurfaces after several months. The correction of the problem needs to be both immediate and consistent.
10. Schedule regular meetings with direct reports.
  - a. As a best practice managers should schedule regular team meetings as well as, one-on-one meetings on a weekly or bi-weekly basis with direct reports so issues can be addressed on a regular basis.
  - b. Use regularly scheduled meetings as an opportunity to provide constant feedback to the employee and discuss things that are going well, as well as, discuss any concerns related to work performance and/or misconduct; improvement opportunities, etc.

### After the Meeting

1. Document the conversation. This is your record that the conversation took place.
  - a. Send an email to the employee recapping/reiterating verbal discussions regarding issues discussed. This is highly recommended especially in cases where the employee may need to be put on a Performance Improvement plan or on a written warning.
  - b. Doing so will ensure that the colleague does not allege later that the issue was never discussed with him/her.
  - c. Provide open, direct and constant feedback. This will help ensure that there are no surprises in the event the colleague needs to be put on a PIP or written warning (does not apply for misconduct issues that are egregious in nature such as workplace violence, gross negligence, insubordination, etc).
2. Keep the meeting results confidential. Share information about the issue only with management or those who have a specific need to know.

*Please Note:* Counseling/coaching sessions can be successful in getting the employee's attention and correcting the problem. In the event the employee does not show immediate, sustained and consistent improvement, the email follow up serves as documentation that can support your next management decision.

## Best Practices and Resources for Successful Resolution

- Focus on the performance, conduct/behavior issue at hand and not the cause. It is human nature to be tempted to seek a reason for an employee's performance or conduct failure however, avoid doing so.
- As a manager your primary focus is to have a productive efficient employee and not to solve an employee's personal problems.
- Attempting to solve an employee's personal problems may expose you or the company to liability risk hence, do not dig for information or ask personal questions such as, "what's going on?", "why were you at the doctor's?", etc.

## Difference between Performance and Conduct Issues

**Performance Issues:** A performance issue arises when an employee does not do her assigned job duties and or responsibilities such as missing deadlines, making errors, failing to follow company procedures, or other issues related to the employee's failure to meet performance expectations.

The primary difference between performance issues and conduct issues is that performance issues are not always within the employee's control. In many cases, the employee may not be meeting the performance expectations of his or her position due to lack of knowledge, skills and abilities. Hence, managers need to be more involved in providing regular, frequent and prompt feedback as well as, providing resources and additional training to assist the employee. Performance problems may need a more extended period of time to correct. As a best practice and in order to be effective follow guidelines below:

- Set specific performance standards consistently across your entire organization.
- Monitor progress regularly.
- Address concerns promptly.
- Insert Title of Document (Header) [www.trinet](http://www.trinet)
- In the event there are repeat occurrences or continued failure to meet performance expectations, putting an employee on a PIP is imperative. The specific process includes the following corrective action steps:
  1. Coach/Counsel Employee verbally
  2. Follow up verbal discussion with email (highly recommended). If performance continues to decline or meet unsatisfactory levels; then go to the next step.
  3. Performance Improvement Plan
    - a. PIP document should include the following items (refer to and use provided template):
    - b. Description of deficiency in employee's performance. Include specific examples, dates and reference to any previous verbal counseling/coaching and attach relevant documentation such as emails if available.
    - c. Restate minimum expectations/requirements of the position.

- d. Expectations going forward such as specific deliverables, tasks, projects and deadline dates where applicable.
- e. Determine reasonable time period for the PIP (30, 60 or 90 days) which may vary based on the specific issue/expectations and apply consistently for all similarly situated employees.
- f. Consequences to the employee if there is continued failure to meet expectations outlined in the PIP.
- g. Include acknowledgement statement for employee to sign, acknowledging he or she has read and understands the content of the document. If employee refuses to sign you can have another manager sign the document indicating that it was delivered and the date it was delivered and discussed with employee.

**Conduct Issues:** A conduct issue arises when an employee violates a policy or rule that applies to all employees. Examples of conduct problems include:

- Tardiness
- Causing damage to company property
- Displaying rude and harassing behavior to coworkers or customers

As a best practice, it is not advisable to attach timeframes for these types of issues as doing so will provide employees with an opportunity to argue that they thought they only needed to improve for the specific timeframe outlined. Hence, it is important to state to the employee that their conduct/behavior must immediately improve and the improvement should be consistent and sustained.

Conduct problems may appear suddenly and could often lead to serious repercussions if not dealt with promptly. For minor infractions or first time offenders or things such as tardiness, errors related to negligence; verbally coach/counsel the employee and follow up via email as needed. Serious offenses may warrant immediate disciplinary action such as:

- A written warning; or
- Termination of employment based on the egregious nature of the conduct, impact to business and so on.

For situations that warrant a written warning, ensure the following items are included in the formal written warning:

- Description of misconduct issue or behavioral deficiency.
  - Include specific examples of instances, dates and reference to any previous verbal counseling/coaching.
  - If available, include relevant documentation such as emails.
- Restate minimum expectations/requirements related to the issue.
- Expectations going forward such as specific deliverables, tasks, projects and deadline dates where applicable
- Consequences of future occurrences with current issue or future related issues.
  - The provided template includes language stating that future occurrences will result in additional disciplinary action, up to and including termination of employment.
- Include acknowledgement statement for employee to sign acknowledging he or she has read and understands the content of the document.
  - If employee refuses to sign you can have another manager sign the document indicating that it was delivered and the date it was delivered and discussed with employee.

In dealing with complex misconduct issues, often you will find that it may become necessary to conduct an informal or formal investigation depending on the nature of the issue and as a result of an employee's behavioral problem. For example, Employee A advises the manager that Employee B is on personal calls a lot during business hours hence, Employee B is not picking up calls incoming from customers, resulting in an increase in the call volume for his or her colleagues. Upon investigating the situation, it is found that the call log does show dropped calls over a period of several months.

### Guidelines for using a Performance Improvement Plan (PIP)

A PIP document is used to formally communicate and identify in writing areas of deficiency in the employee's performance and to establish expectations in writing to improve performance based on established criteria such as overall performance, metrics and results.

The use of a PIP replaces a written warning addressing employee performance. Additionally, the PIP also serves as formal documentation in the event further disciplinary actions needs to be taken up to and including termination for failure to meet the performance expectations.

- A PIP may be issued using the PIP template provided. Use of template will ensure consistency in documenting such actions across the organization.
- A PIP may be issued for a 30, 60, or 90 day period, the time period is based on realistic and reasonable expectations