

Performance Improvement



&

Discipline



Dan Chase
The Art and Science of Supervision
DHRM, State of Utah
For training purposes only

Performance Improvement & Discipline

Learning Objectives

- 1. Explain the differences between performance improvement and discipline**
- 2. Understand the DHRM rules regarding performance improvement and discipline**
- 3. Document performance and personnel issues in a variety of ways**
- 4. Identify the essential elements of a Performance Improvement Plan**
- 5. Avoid performance improvement and discipline pitfalls**
- 6. Know when discipline is justified as well as what to consider when disciplining**
- 7. Understand the elements required in a notice of intent to impose disciplinary action and delivery requirements**
- 8. Follow the procedural steps involved in the disciplinary process as it relates to Due Process**
- 9. Demonstrate leadership skills in performance improvement and discipline processes**
- 10. Know when to call H.R.**

Performance Improvement & Discipline

How are They Different?

How are They Similar?

Key Terms:

Performance Improvement - Non-punitive actions implemented by a supervisor to assist an employee in improving substandard performance.

Discipline - Punitive actions initiated by a supervisor which are intended to correct unwanted employee behavior or conduct.

	Performance Improvement	Discipline
Cause	Poor Performance	Misconduct Behavior Problems
Intent	Non-Punitive	Punitive
Goal	Employee Development	Punishment/ Modify behavior
Duration	Generally 90 Days	May be short term (Suspension up to 30 days)
Grievable	Department Head	Career Service Review Office

Underline the words on this page that stand out to you as they relate to performance improvement and discipline

Performance Improvement & Discipline

Documenting Personnel Issues

Documenting Performance Issues

There are practical formats for documenting employee issues. Cuff notes, Memorandums of Understanding, and Written Warnings are all appropriate forms of documentation and each has its specific purpose. Remember, however, *there is no requirement for a supervisor to follow any form of progressive discipline*. All options are always available to a supervisor. Titles of the documents are important, too. That is one reason why it is so important to consult with your HR Specialist prior to taking any kind of performance improvement or disciplinary action. Additionally, the most important step preceding and following performance improvement or discipline is an analysis of the employee's performance plan.

Cuff Note- A cuff note is an entry in a supervisor's log. It is retained by the supervisor and acts as a memory recall device for performance reviews or future performance improvement/disciplinary measures. Cuff notes are not usually signed by the employee and are, therefore, largely inadmissible in grievance proceedings. Supervisors should make use of cuff notes to record both positive and negative employee behavior. Unless supervisors make it a habit of documenting such events, they may not be able to remember them when they need to. Here is an example of a cuff note that documents an oral warning.

Supervisor's Log (Cuff Note)	
Date:	
Employee:	Alan Keil
Place:	My office
Remarks:	Discussed Alan's abruptness and rudeness when dealing with citizens by phone or over the counter. Reviewed several prior complaints. Alan acknowledged his problem and promised to improve his behavior in order to prevent any more public complaints about him in the future.

Memorandum of Understanding – A more formal approach to the cuff note concept is to provide a policy clarification or to summarize for an employee or group of employees the content of a meeting in a memorandum format. These memoranda can be entitled "Memorandum of Understanding," and may require a signature. If signed, the memo may be placed in the personnel file, and subsequently submitted as evidence in a grievance proceeding. Supervisors may wish to utilize this more formal method when dealing with problems that have the potential of eventually requiring disciplinary action. This memo does not take the place of a written warning, and is generally used to clarify policy expectations.

Written Warning – A written warning is a written, formal communication from a supervisor to an employee. This written communication warns the employee about a problem or violation about which he/she has usually received an earlier oral warning. A written warning is a form of performance improvement as outlined in R477-10-2 and can, therefore, be submitted to the employee separately or as part of a Performance Improvement Plan. A written warning can be given anytime and without due process since it is not disciplinary in nature. The letter simply warns the employee that if a particular problem is not corrected, a Performance Improvement Plan or discipline may be implemented.

A written warning must be signed by the employee (indicating that they have seen it, not that they agree with it). If the employee refuses to sign it, a witness's signature should be secured (preferably another supervisor). Place the original document in the employee's personnel file. A copy is then given to both the employee and to your HR Specialist. Remember, an employee must be informed about any documents that are placed in his/her personnel file – especially those which affect the employee's status or salary.

The written warning is not the same as a written reprimand. A written reprimand is a disciplinary action and is punitive in nature. A written warning is part of the employee development process. It is intended to warn the employee that if a certain problem is not corrected, more stringent action may be taken. A written warning (and a written reprimand) is grievable only up to Step 3 (or the department head level).

A Written Warning Should Inform the Employee of the Following Information:

- a. A description of the problematic conduct or performance
- b. The level of performance or conduct expected from the employee
- c. A warning that if the problem is not corrected, further performance improvement or disciplinary action may follow

Performance Improvement & Discipline

Documenting Performance Issues

Date: *(current date)*
To: *(employee name)*
From: *(supervisor name)*
RE: Written Warning

Sample Written Warning
(Information in italics exists only to "cue" the user or to make commentary. It should be deleted or replaced prior to template use.)

(a. What the employee has done wrong)

We had several conversations in the last 3 months about the status of your overdue caseload. In addition, you have received computer reports outlining the number of cases you have open, the number of cases that are overdue, and the number of cases you have closed since April 1, 2008. As of this date, the deadlines, we set for your completion of cases have not been met, and you continue to be seriously behind in getting your cases closed.

In addition, you are frequently unavailable when clients or agency personnel try to contact you, in spite of the fact that you carry a pager and a cellular phone when you are out of the office. I have also received complaints from your clients that you do not return phone calls.

(b. The level of performance expected)

You are to correct these problems by getting your overdue cases closed no later than _____. You are directed to check for messages at least twice a day. You are to keep your pager and cellular phone activated during working hours, and you are to return your phone calls and pages promptly.

In addition, you are expected to maintain a successful level of performance in all other areas of your job while you correct these problem areas.

(c. Warning statement)

This document is a **Written Warning** to you that if you do not meet the expectations listed above and these problems continue, further performance improvement and/or disciplinary action may be taken.

I do appreciate your dedication and commitment to our organization. Please understand that this letter is intended to alert you to a problem that needs your immediate attention and greater effort. Feel free to talk with me if you need assistance in meeting these expectations.

Employee

Date

Supervisor

Date

Distribution: Personnel File (original)
Employee
Supervisor
DHRM

Performance Improvement & Discipline

Points to Remember

Also Remember Whenever Documenting:

1. Do not rely on memory. Write things down as soon as they happen
2. Document facts, not opinions
3. Record direct observations of actions and results.
4. Include behavior documentation
5. Be consistent
6. Be specific
7. Always consult with your Human Resource Specialist

Performance Plan Analysis – An analysis of the employee’s performance plan before and after either a Performance Improvement Plan or a disciplinary procedure is very important. A Performance Improvement Plan is designed to increase an employee’s performance to meet the previously agreed upon standard indicated in the employee’s performance plan. Because all performance improvements and many disciplinary actions hinge on the employee’s performance, his/her plan must accurately reflect the duties being performed. If, after careful analysis, the supervisor feels the plan should be modified in some way, then the supervisor and the employee should do so together.

Performance Appraisal – Before an employee is ever placed on a Performance Improvement Plan, documentation must exist that reflects the performance areas where the employee is deficient. Any annual performance evaluation that results in an overall “unsuccessful” rating or has an “unsuccessful” rating in specific performance related areas should be followed by the implementation of a Performance Improvement Plan.

Performance Improvement & Discipline

Documenting Exercise

Choose the better documentation sample in each of the pairs below based on upon the points made on the previous page

1. A. Generally cluttered and confused paperwork; spends a great deal of time, including time at home, getting reports done.
B. Needs improvement in organizing and planning work. Must find faster ways to get the job done. Has ability to improve in this area.
2. A. Has average abilities in oral communication. Needs to develop a technique for organizing ideas similar to that used in written communication. Knows the material but has difficulty getting it across in meetings.
B. Fails to provide background information and introductions to oral presentations. This, combined with lengthy discussion of technical details in a recent presentation to non-technical people, led to almost complete loss of audience attention.
3. A. On two assignments for upper management, deadlines were missed due to time spent on lower priority work. On both occasions, the delay affected the schedules of other departments.
B. Needs improvement in organizing and planning work. Must learn to plan for the effect his work activities have on other organizations.
4. A. Has difficulty communicating ideas effectively.
B. Uses broad, general terms, and omits critical information.
5. A. Changed long-standing reporting practice without checking effects on related practices in other departments.
B. Failed to adequately consider the long-term consequences of decision.
6. A. When asked to administer a standardized training workshop, took the responsibility to first revise the training materials (which had been accepted in the past) to correct errors and inconsistencies.
B. Strives to enlarge scope of responsibility. Is not satisfied with just getting by.



Performance Improvement Plan Outline

1. Corresponding Heading

To:
From:
Date:

RE: Performance Improvement Plan

Don't Forget, the PIP provide for:

1. Increased Supervision
2. Opportunity for Remediation

2. Background

- a. Give specific details about the substandard performance and the employee's involvement with it.
- b. Identify all efforts made to help the employee successfully perform his/her duties, as well as any warnings about the performance (either orally or formally).

Specific Performance Improvement Steps

3. Identify which of the approved performance improvement provisions are going to be implemented (DHRM Rule 477-10-2).
4. Identify starting and ending dates for the plan (90 days is recommended).
 - a. Also indicate how often "frequent evaluations" will be provided. A face-to-face meeting once a week is recommended.
 - b. Identify what performance is necessary and what changes are required to achieve successful performance
5. Specify an approximate date when the supervisor will provide a written mid-point evaluation on the employee's progress.
6. Indicate that any unwillingness to cooperate with the Performance Improvement Plan or failure to complete it successfully may result in disciplinary action
7. Supervisor's and employee's signatures and the date the PIP is signed.
8. Distribution: Personnel File (original), Employee, Supervisor, DHRM.



Performance Improvement Plan: Sample

Sample Performance Improvement Plan

Date: *(current Date)*

To: *(employee name)*

From: *(supervisor name)*

RE: Performance Improvement Plan

Background:

On December _____ a formal audit of your case files revealed missing mandatory documentation that is required by program policy. You were required in a written warning date _____ to get your case files current by April _____. However, an informal audit of your case files in May again revealed that mandatory documentation was missing and 15 of your 25 cases were overdue.

Additionally, several provider organizations have complained you missed scheduled meetings on three occasions, January 1, January 2, and January 3, 2008. Also, on two occasions when you did attend scheduled meetings, providers complained that you were dressed inappropriately for the meetings, by wearing shorts and flip-flops.

In an effort to help you achieve a successful level of performance in all your job duties, you are being placed on this Performance Improvement Plan and you are expected to comply with the following performance improvement steps.

Performance Improvement Steps:

1. This Performance Improvement Plan places you on a period of constant review and under closer supervision. It also provides you with an opportunity for remediation. This performance improvement plan will start on _____, and will last for a period of approximately 90 days, ending around _____. You will meet with me once a week on Wednesdays at 3:00p.m.in my office. These are mandatory meetings and you must notify me if you are unable to attend so the meeting can be rescheduled. I will do the same. On approximately _____ I will provide you with a mid-point evaluation of your progress on the Performance Improvement Plan, and you will receive a final evaluation on the completion of the Performance Improvement Plan at the end of the 90 days.
2. You will bring all your cases current with the mandatory documentation by _____

3. You will attend all scheduled meetings with providers. Should an emergency arise, you are to notify the provider as soon as possible that you will not be able to attend, and you will report that emergency to me as well.
4. You will dress appropriately in business attire for meetings with providers, clients, and parents.
5. You will meet **all** of your other performance plan objectives at the successful/pass standard or better while on this Performance Improvement Plan.

You are to communicate to me any assistance you need in fulfilling the expectations of the above steps. Be aware that if you demonstrate unwillingness to cooperate with, or are unsuccessful in meeting, any expectation of the above Performance Improvement Plan, you may be subject to disciplinary action. The plan is not designed to be a punishment; rather, its purpose is to support you in succeeding in your work assignment. Please recognize the plan as such.

If you have medical issues that you believe affect the way you are able to perform your duties, please contact _____, the agency ADA Coordinator. If you have personal issues that you believe affect the way you able to perform your duties, please contact the department's Employee Assistance Consultant, Jeremy Kokkonen, at 293-7795.

Employee

Date

Supervisor

Date

Distribution: Personnel File (original)
Employee
Supervisor



Execution Phase

Remember, the Performance Improvement Plan requires a higher level of supervisory involvement. Remember the purpose is to help the employee to be successful. Always use your coaching, feedback, and leadership skills to help the employee improve their performance as much as possible.

1. Meet with the employee face to face regularly (preferably weekly) and discuss their progress. Document these meetings. These meetings should review each of the steps in the Performance Improvement Plan so that at the end of each weekly meeting, the employee knows exactly what steps they are completing successfully, and which ones they are not.
2. Meet with the employee at the specified mid-point for a formal evaluation. This formal evaluation will be an overall assessment of the employee's weekly performance (derived from each of the weekly progress meetings). Documentation of this evaluation can take the form of a memorandum that identifies the employee's overall standing, or you can use the actual performance appraisal form (which is probably the easiest way). The mid-point evaluation should clearly identify which steps the employee is completing successfully and which ones they are not.
3. At the end of the performance improvement period, the employee **must** be given an overall evaluation. The evaluation is guided by the results of the weekly progress meetings and the mid-point evaluation. This evaluation will rate the employee as having either completed the Performance Improvement Plan successfully or unsuccessfully. If the employee successfully completes the Performance Improvement Plan, congratulate them for their efforts and warn them that unsuccessful performance in the future may result in disciplinary action (DHRM Rule 477-10-2). If the employee is unsuccessful, specify the reasons and explain that some type of disciplinary action may be taken. A closeout evaluation with a "successful" or "unsuccessful" overall rating must be given to the employee notifying them that the performance improvement period has ended, and that the employee either completed it successfully or unsuccessfully. The final evaluation is the equivalent of the annual performance evaluation and must include a place for the employee's signature and date. Be sure to give a copy to the employee. The original document goes in the employee's personnel file. A copy is also provided to your HR Specialist. (If UPM was used to create an evaluate the PIP, these steps will be done by the system.)
4. Remember, a hearing officer will look closely at how well you managed the performance improvement process as well as how the employee performed with the Performance Improvement Plan. Communicate with the employee frequently and be involved in their development. Be sure you can show a hearing officer (if necessary) that you made a good faith effort to identify for the employee those performance areas that were deficient, and then made a sincere effort to help the employee improve their work performance.



8 Potential Pitfalls in Performance Improvement

1. **Not Giving Employees Sufficient Time to Remedy Their Performance Problems** - plan time frames that are too brief, or not extending a plan when the employee was off the job for a significant amount of time during the plan.
2. **Dates on Documents That Don't Match up** - weekly meeting dates prior to the plan being put into place; signatures on the plan are long after the plan was to be in effect.
3. **Not Giving Employees Sufficient Verbal and Written Feedback About Their Work Performance** - not holding weekly meetings with the employee; not putting meeting results in writing and giving the employee a copy; not giving the employee a verbal and written mid-point evaluation.
4. **Management not Fulfilling its Responsibilities** - not meeting with the employee; not providing closer supervision; not monitoring work performance closely.
5. **Management not Holding Employees Accountable for Their Part of the Plan** - allowing employees to perform at less than a successful standard, but passing them on the Performance Improvement Plan.
6. **Not Documenting Agreed Upon Changes to the Plan** - extending the time frames of the plan.
7. **Documentation that is Inadequate** - not writing enough to clearly remind the writer and inform the reader what the performance issues were or the level of work performance completed; giving verbal feedback but not written feedback.
8. **Allowing Wiggle Room for Future Poor Performance** - not warning of disciplinary action for non-compliance with or failure to successfully complete the Performance Improvement Plan; not telling the employee he/she is expected to maintain all aspects of his/her work performance at a successful level while on the Performance Improvement Plan; not warning the employee of discipline for future similar problems after successful completion of the Performance Improvement Plan

NOTE: Remember the documents you write may be seen by a number of people: the employee, the employee's representative, your supervisor, human resource staff, the agency director, the Executive Director, an assistant attorney general, the Career Service Review Office (CSRO) administrator, the CSRO hearing officer, etc.

Discipline



Reasons for Discipline

Non-compliance with:

1. **Department Safety Policies** - Not wearing a hard hat when required, for instance.
2. **Agency Professional Standards** - Code of Conduct, ethics, quality of work.
3. **Work-Place Policies** - Relating to the ground rules set by an agency concerning things like employee breaks, lunch, internet use, etc.
4. **Inefficiency** - Wastefulness of government resources. Inefficiency is also grounds for corrective action. If this fails to correct the problem, discipline is pursued.
5. **Incompetence** - Being inadequate or unsuitable for a particular purpose. Incompetence is also grounds for corrective action.
6. **Failure to Maintain Skills/Adequate Performance Level** - Unable to do the work hired to do. Does not meet minimum levels of performance expectations
7. **Insubordination/Disloyal to Orders** - Unwilling to submit to authority or follow orders. Insubordination is constituted by the following:
 - a. The employee was given a clearly expressed order
 - b. The employee understood the order given
 - c. The order given was reasonable and work related
 - d. The order given did not endanger the health/safety of the employee
 - e. The order did not violate public policy
 - f. The employee was informed of the consequences of not obeying the order
8. **Misfeasance** - Performance of a lawful action in an illegal or improper manner
9. **Malfeasance** - Intentional wrongdoing; deliberate violation of law or standards; mismanagement of responsibilities
10. **Nonfeasance** - Omission or failure to do what ought to be done.
11. Failure to advance the **good of the public service**.
12. Any incident involving **intimidation, physical harm, or threats** of physical harm.
13. No longer meets the requirements of the position
14. Conduct, on or off duty, which creates a conflict of interest with the employees public responsibilities or impacts that employee's ability to perform job assignments.
15. Dishonesty
16. Misconduct

Discipline



Due Process

About Due Process

Frequently, the Human Resource Office receives questions about due process. Those statutory rules and procedure that you must follow in order to legally discipline an employee are not designed to be just a lot of “red tape.” Nor are they there just to make your lives’ miserable. They are there to ensure that every state employee is given all of the due process the Fourteenth Amendment guarantees them, and to maintain compliance with the State Personnel Management Act, U.C.A. 67-19-18.

Because the courts have afforded employees in the public sector certain protections, you as a supervisor have a responsibility to see to it that certain rights are not violated and that due process is satisfied. The Fourteenth Amendment states that, “No State shall . . . deprive any person of life, liberty, or property without due process of law.” Does this mean that no one can be deprived of these things? No. It simply means that due process must be afforded first.

Career service employment is considered a “property right.” An employee with a property right (career service status employee) can only be disciplined after adequate due process. Because career service employees have a reasonable expectation of continued employment, they can only be dismissed for just cause or for failure to advance the good of the public service.

Simply stated, due process means that before a right may be taken away, notice must be given and an opportunity to respond to that notice must be provided. Hence, the grievance process provides for notices, responses, and an opportunity to be heard. Your Human Resource Specialist is very familiar with the requirements of due process in these administrative proceedings. It DHRM Rules require supervisors to consult with your assigned HR Specialist before taking any disciplinary action.

Discipline



Things to Consider

Considering Discipline? (DHRM Rule R477-11)

1. When a supervisor is thinking of disciplining an employee, DHRM rules specify what factors may be considered by a supervisor when deciding upon the type and severity of the discipline:
 - A. Consistent application of rules and standards:
 - i. Consistency under current agency head only.
 - ii. Consistency is not compared agency to agency
 - B. Prior Knowledge of rules and standards
 - C. The severity of the infraction
 - D. The repeated nature of violations
 - E. Prior disciplinary/performance improvement actions
 - F. Previous oral warnings, written warnings and discussions
 - G. The employee's past work record.
 - H. The effect on agency operations
 - I. Potential of the violation for causing damage to persons or property
2. Once the supervisor has considered these factors and consulted with HR, the rules provide for the following disciplinary options:
 - A. (1) A written reprimand
(2) Suspension without pay for up to 30 calendar days
 - B. (1) The supervisor can recommend to the department head that the employee be demoted
(2) The supervisor can recommend to the department head that the employee be dismissed

Discipline



Notification Steps

The employee must be notified in writing regarding management's **intent** to impose some form of discipline. This letter is not the final decision; it simply lets the employee know that management intends to take disciplinary action. The final decision is not made until after the employee has had an opportunity to respond to the intent. The letter should identify which form of discipline is being considered and the time frame within which the employee must respond (5 working days).

The next step in the process is for management to give careful consideration to the employee's responses to the allegations articulated in management's letter of intent. After considering the employee's written response, management must again **notify** the employee in writing regarding the **final decision** to impose the original discipline, to modify the imposed discipline, or to take no action.

The following summarizes the notification steps:

1. Notice of Intent - Management notifies the employee in writing of the intended disciplinary action is being considered. This letter articulates the underlying reasons supporting the intended action (DHRM Rule 477-11-1).
2. Five (5) days - The employee is then given at least five working days to respond in writing to the allegations.
3. Consideration - Management gives careful consideration to the employee's response.
4. Hearing (generally, only in cases of demotion/dismissal) - If requested by the employee, the department head provides the employee with a face-to-face informal hearing.
5. Notice Imposing Discipline - The employee is notified in writing as to the decision to impose the original discipline, to modify the imposed discipline, or to take no action. The employee has 20 working days to appeal to the next level of the grievance process.

A letter of intent must include the following:

- A. The reasons for the intent to discipline**
- B. The background, or what the employee has done wrong**
- C. The employee's right to respond in writing**

How precisely the supervisor follows these notification steps will have a direct impact on either winning or losing a grievance proceeding later.

Discipline

Notice of Intent: Sample

To: Employee Name
From: Supervisor Name
Date: Current Date

RE: Intent to Discipline—Letter of Reprimand

On November 25, ____ I met with you to review your long distance phone bills for May ____ through October ____ as they appeared to be of a personal nature rather than work related. I questioned why you made two phone calls to the Arizona Shuttle Service in Tucson, Arizona on June 28, ____, two calls to Southwest Airlines in Dallas, Texas on August 17, ____, and a call to a hotel in Santa Clara, California on September 3, _____. You stated that all of the phone calls were to verify employment information on an investigation regarding _____.

I then reviewed the investigative report you completed on _____ that was filed in the case record. There was no mention of any employment in that report. When I met with you on November 29, _____ you again stated the calls were work related and not personal. When I confronted you with your own investigative report and the fact that the client was not employed, you admitted that all of the long distance phone calls were actually personal and not work related.

All staff in our unit, including you, were informed verbally and in writing on April 5 of this year regarding the agency policy on making personal long distance phone calls. You were informed that state phones were not to be used for personal long distance calls under any circumstances.

Your conduct is in violation of **[list the Rule/policy citations you know have been violated]**. It is, therefore, my intent to discipline you in the form of a Letter of Reprimand.

In accordance with Department of Human Resource Management Rule 477-11, you have five (5) working days in which to reply to me in writing and have that reply considered by me before discipline is imposed. If you do not respond to me in writing within five (5) working days from receipt of this letter, you will be deemed to have waived your right to respond and the disciplinary action will be imposed on **[Insert the date which would be after 5 working days from receipt]**.

Employee Signature

Date

Supervisor Signature

Date

Distribution: Personnel File (original)
Employee
Supervisor
DHRM

Discipline



Letter Imposing Discipline

Sample Letter Imposing Discipline

Date: (current date)
To: (employee name)
From: (supervisor name)

RE: Notice Imposing Disciplinary Action—Written Reprimand

I have reviewed and considered your response to the *Intent to Discipline* that you received on **[Enter Date Intent was Issued]**. After careful consideration of your response and the facts relating to this matter, I believe the intended disciplinary action is warranted. This Notice, therefore, constitutes a Letter of Reprimand.

The reasons for the disciplinary action are the same as those outlined in the above mentioned Intent to Discipline. This Letter also serves as notice that if continued misconduct occurs, I will consider further disciplinary action, which may include termination of your employment.

You may appeal this decision by filing a written grievance with the Division Director no later than 20 working days after your receipt of this Notice. Any grievance filed must meet the statutory requirements of Utah Code Section 67-19a.

Employee

Date

Supervisor

Date

Letter must Include:

Distribution: Personnel File (original)
Employee
Supervisor
DHRM

- A. Reference to the letter of Intent with the right date
- B. Indicate that the reply was considered or at least a failure to reply was recognized
- C. Indication that the reasons for discipline are the same as the reasons given in the notice of intent to discipline
- D. A warning that more of the inappropriate behavior will lead to further discipline
- E. Notification of the appeal process

Discipline



9 Potential Pitfalls in Discipline

1. **Starting Soft** - Supervisors, especially those new in the position, are prone to relate being lenient with being liked. They sometimes feel that if they look the other way on occasion or mete out the less than deserved penalty for an infraction, they will endear themselves to subordinates. In reality, leniency will only cause more trouble.
2. **Incomplete Research and Analysis** - When you attempt to discipline someone, be certain that you have a firm case that will stand up to review by a higher authority. Have the details clearly in mind and make some notes on the factual circumstances for later reference.
3. **Acting When Angry** - With emotions influencing your observations and judgment you will seldom make a sound decision.
4. **Disciplining in Public** - Always discipline in private. Punishment is feared less than the manner in which it is dispensed. Your methods make the difference between constructive and destructive discipline.
5. **Abusing Authority** - Checking with your HR Specialist and/or your supervisor will serve as a good check on potential abuse of authority.
6. **Being Vindictive** - Be sure that the reasons behind your actions and words are not based on personality clashes or personal prejudice.
7. **Letting Someone Else do it** - Disciplining is the responsibility of the supervisor. Don't expect the HR specialist or anyone else to do it for you.
8. **Failure to Create and Maintain Adequate Records** - In order to maintain a perspective on each of your employees you should keep records on each subordinate, including copies of performance evaluations, any reprimands, commendations, and notes on job performance, tardiness, absences, and excessive leave. These materials will prove quite helpful when you face tough personnel decisions.
9. **Retaliation** - Retaliating against an employee for exercising their right to file a grievance (or even a complaint) is a violation of both law and policy. Supervisors should focus on legitimate, business related, carefully considered reasons for any employment action.

Performance Improvement & Discipline

Grievance Process

The grievance process affords an employee the ability to have some independent authority review the legality, fairness, or justification of and action taken by a supervisor with or against the employee. Levels in the grievance process are as follows:

Step 1. Supervisor (Written) - *5 Working Days to Respond*

The employee submits a written grievance to his/her immediate supervisor.

Step 2. Division Director (or equivalent) - *5 Working Days to Respond*

If the aggrieved employee is dissatisfied with the written decision rendered in Step 1, the employee may submit the grievance in writing to the employee's division director.

Step 3. Department Head - *10 Working Days to Respond*

If the aggrieved employee is dissatisfied with the decision rendered in Step 3, the employee may submit the written grievance to the employee's department head or designee. The department head's decision shall be final in all matters except: a) Wages if the employee is not within the salary range for their position, b) Some benefits issues, c) Violations of Human Resource Management Rules, d) reduction in Force, e) suspensions, demotions, dismissals, and f) Abandonment of Position. These matters may be appealed to Step 4.

*The end for Performance Improvement
and Written Reprimand*



Step 4. Administrative Board Hearing Officer - *Hearing within 150 days, decision 45 Days thereafter*

If the aggrieved party is dissatisfied with the decision rendered in step 4, and if the matter falls within the jurisdiction of the Career Service Review Office, the employee may submit the grievance in writing to the Administrator of the Career Service Review Office. The Administrator will schedule a formal hearing before a Hearing Officer who is independently contracted with the State.