

Managing Employee Performance

**Practical Information, Forms and Guidance
for
Managers and Supervisors**

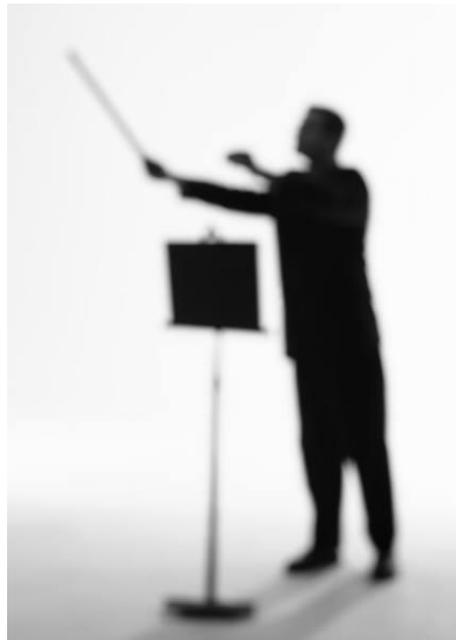
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Leading High Performing Teams

The leader of a high-performance team:

- ✓ Is a teacher, coach and developer of people.
- ✓ Has excellent people skills.
- ✓ Knows how to listen and ask meaningful questions.
- ✓ Advances diversity in their teams.
- ✓ Is clear about which decision-making methods are being used.
- ✓ Understands how the leader's authority and power can affect the group's behavior in a collaborative problem-solving or decision-making setting.
- ✓ Can give up control when appropriate-allows others to influence.
- ✓ Has faith in the abilities of others.
- ✓ Is skilled in managing the conflict and tension that arise in effective team processes.
- ✓ Uses power and authority to create a collaborative work environment.
- ✓ Involves people at all levels in making improvements and implementing change.



Supervisory Responsibilities in Performance Management

Performance Management is defined as any process, tool and technique used for the purpose of effectively supporting an employee's efforts to meet existing and future performance demands of the position. The role of a supervisor is to insure that effective performance management is part of the daily work environment through training, balanced feedback, coaching and, when needed, disciplinary processes.

The chance of performance or behavior problems greatly increases when supervisors fail to address smaller problems or performance concerns. Good supervisors allow for small course corrections before they become larger concerns that require formal disciplinary action. If disciplinary action is taken and that action is aggrieved by the employee(s), many questions may be raised concerning the extent to which the supervisor has carried out his or her responsibilities.

A supervisor's success in managing an employee's performance to expected standards will require:

- clarity regarding the employee's job expectations and role through effective written and verbal communications;
- commitment to obtain the right equipment and tools to complete the work;
- time to observe the work and clearly identify an employee's strengths and areas of improvement;
- documentation that reflects both strengths and areas of improvement;
- honest and supportive communications that build trust;
- on-going assessment that provides balanced feedback –both on positive outcomes and on areas of improvement;
- application of specific policies, procedures mandated by policy and/or collective bargaining agreements that have been designed to protect due process rights.

Orienting and Training Employees

Employee orientation and training, probably one of the most important aspects of preventive discipline, is a supervisory responsibility that has a great effect on an employee's performance.

Orientation and training that is critical for success:

- make sure employees know their duties and responsibilities;
- provide appropriate training;
- check that employees understand all rules and consequences of rule violations;
- provide employees with an opportunity to raise questions and encourage their comments and suggestions;
- communicate rule changes and rationale prior to enforcing them;
- analyze why problems occur and try to eliminate the cause;
- use problem-solving discussions with the employee involved to identify solutions.

When employees know the rules and regulations, and understand what is expected of them, they are more likely to accept personal responsibility for controlling their own behavior and performance.

Orientation does not end with the training of new employees; it is a continual process because the work environment constantly changes - new rules, regulations, policies, practices, systems, and procedures need to be communicated to long-term employees as well as new ones.

Establishing, Communicating, and Enforcing Rules, Policies, and Procedures

Good human resource practices require some basic work rules that have some bearing on an employee's ability to be effective in his or her position. Work rules are not intended to limit the rights of employees, but rather to define those rights so the institutional mission can be accomplished in an orderly and equitable manner. Work rules regulate the personal conduct of employees.

Identifying and Solving Problems and Providing Feedback

Early identification of performance problems can postpone, and sometimes eliminate, the necessity to take disciplinary actions, perhaps at a time when it is too late to find a solution. The following five-step problem-solving approach may help supervisors handle performance problems.

Step 1: Identify the performance-related problems/actions or behaviors.

Step 2: Measure the action.

Step 3: Analyze the actions and the facts.

Step 4: Develop a plan to improve or maintain desired action.

Step 5: Evaluate for performance improvement and follow-up.

Coaching and Counseling Employees to Improve Performance

Even though supervisors may be effective in handling the responsibilities that have been discussed previously, there may be times when coaching and counseling could prevent the need for disciplinary action. When performance problems still persist, the following guidelines may be helpful in coaching an employee toward improved performance. A Performance Improvement Plan can be collaboratively developed at this stage to ensure that the performance concerns are addressed with developmental tasks, activities, resources and support necessary for positive sustained change.

Steps of coaching/counseling technique:

- Get the employee's agreement that a problem exists
- Discuss alternative solutions together
- Agree on action to be taken to solve the problem
- Follow up to measure results
- Recognize any achievement when it occurs

Assisting a Troubled Employee

Supervisors may find that there are no job-related causes of performance problems. Although supervisors are not expected to assist employees in resolving serious personal problems that affect the employee's job performance, supervisors can perform an important function by helping employees to recognize the effects of personal problems on job performance.

Employee Rights in a Disciplinary Process

To know what is expected of them and what the consequences of not fulfilling these expectations will be.

- One of the most important factors when deciding if an employee was appropriately disciplined is whether the employee actually knew that he or she fell short of the employer's expectations. There are certain offenses which are clearly contrary to acceptable conduct, and discipline is readily accepted or justified regardless of prior communication or warning to the employee (e.g. theft, total refusal to perform safe work, intentional endangerment of the safety of coworkers). However, all other acts normally demand some kind of prior notice and progressive discipline before termination will be viewed as justified.
- The optimum disciplinary system provides adequate notice to employees but still maintains employer flexibility.

To have consistent and predictable employer responses to violations of rules.

- Almost as important to the employee as knowing that a particular act may result in discipline, is the certainty that the discipline will actually take place. If discipline is to have its desired effect, it must be both rehabilitative and a deterrent. There must be a consistency in the principles of application of discipline.

To have fair corrective action responses and, if needed, discipline based on the facts.

- Nothing is more important to an effective discipline system than the process of gathering facts before judgments are made. Please use the tools and process outlined in this guide to fully investigate the circumstances that may be contributing to a performance concern.

To question the facts and to present their perspectives.

- Every accused employee has the right of "due process" and the right to be heard before discipline is administered. The central purpose of due process is to provide an effective opportunity for an employee to be heard and to present a defense. In addition, union affiliated employees must be told of their right to have their union representative present during any investigatory meeting that may lead to a disciplinary action.

To appeal the disciplinary decision.

- The employee should know that, if he or she believes the treatment was unfair, an informal and formal appeal procedure is available to the employee.

Addressing Performance Problems Requires Courage

Courageous conversations promote direct, honest, and respectful communication that improves team function, work relationships and business outcomes.

Part of what makes these conversations challenging is our human tendency towards:

Fight – blaming,
hostility, threatening
behavior

Or

Flight – silence,
avoidance, insincere
agreement, passive-
aggressive behavior

How to build trust and healthy team conflict:

- Communicate positive mutual intent
- Clarify intent and impact
- Engage in high quality active listening
- Provide specific, non-evaluative feedback
- Negotiate and create agreements

The Most Common Barriers to Addressing Performance Issues

- Everyone must like and approve of me at all times.
- It is easier to avoid than to face difficult interactions with others.
- Other people should act as I want, and I can and should control the behavior of those around me.
- Fear of not being liked by others.
- Fear of being hurt, physically or emotionally, if I assert myself.
- Fear of hurting the other person's feelings.
- Fear of being labeled "pushy," "uncaring," "manipulative," "selfish," "aggressive," or "opinionated."
- Fear that I'm not "smart enough" or "competent enough" to have a say.
- Fear of losing control over my emotions and thus being vulnerable.
- Fear of conflict.
- Lack of time/energy.
- Power/authority differential.

Other Barriers:

- _____
- _____
- _____

Performance Documentation

Documentation is a very important for effective performance management. Documentation should include all aspects of the employee's performance from positive successful performance to concerns or performance problems.

The informal documentation process does not need to be burdensome. It can be as simple as taking a quick note on a conversation or action.

Formal documentation is necessary to provide the employee with fair and just disciplinary treatment. These records must include a full description of the events to assure that anyone reading the record can conclude that the offense occurred or reoccurred. The employer must maintain records on every employee, as these may someday be used to justify a personnel action.

Best practices suggest that you should: back up subjective information with documentation, if at all possible; get the best evidence possible; prepare written summaries of information provided by employee and/or witnesses; and preserve the documentation.

Required Information for Formal Documentation

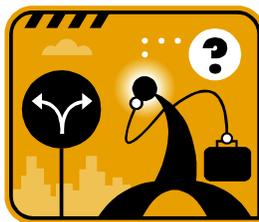
1. Date (month, day year), place, and time of incident.
2. Detailed, specific description of the behavior (don't generalize).
3. Implications (i.e.: Why is the problem important to the department - overtime required, safety hazard, lost production, etc.).
4. A summary of the employee's prior employment record and any prior discussions or actions taken with the employee in this or similar areas.
5. Observed improvements (or lack thereof) noted since previous communications. (If there are multiple but related problems, give credit for improvements made.)
6. Expected solutions: be specific as to your expectations of change. Describe expected solutions in terms of specific action or inaction on the part of the employee.
7. If you are imposing a disciplinary action, clearly say so (e.g., "You are suspended without pay for a period of five working days"). If suspension occurs, specify the date and time they are expected to call in or return to work.
8. Explain the consequences of not conforming to the expected solution outlined above. You should be very specific by saying, "further violations may result in disciplinary action, which may include your immediate termination." The important thing is that the employee has forewarning of the possible consequences of future behavior and would not be surprised if suspended or terminated.
9. Set a follow-up date by which time the employee must meet the expected solutions outlined above and a date that you will review the situation to see if the changes have been accomplished. If you have agreed to give three weeks to see improvement, do not take further action on this problem until that period has elapsed.

Determining the Appropriate Response to a Performance Problem

When determining the appropriate level of action to take, consider the following factors:

- Employee's work history/length of service
- Seriousness of concern/incident performance problem
- Are there mitigating or aggravating circumstances?
- Is this a misconduct issue requiring investigation?
- Is this a first time concern or a repetition of the same or similar issue(s)?
- What action was taken previously?
- What has previous practice been in similar situations?
- Has the employee been made aware of the expectations and responsibilities through orientation, on the job training or other training?
- If there has been prior action taken on the same issue, determine what the next progressive step would be.
- The extent to which you feel the concern/incident should become a permanent part of the employee's personnel file.

Discipline is normally progressive. However, a supervisor does not have to start at the first level or move to the next succeeding level should circumstances warrant stronger or lesser action.



Who are you going to call???? Human Resource Services!

Required Steps to Initiate a Disciplinary Action

If you have decided that the performance or behavior concern has risen to the level of formal discipline the next steps are:

- Consult with HRS and your manager to discuss the concerns.
- Conduct a fair and thorough investigation. The investigative process is required prior to initiating any formal disciplinary actions including written notices.
- If the employee is a union member and there is a possibility that a discipline action may occur, you must notify the employee that you need to meet with them to discuss a specific performance concern(s). Because the employee has Weingarten Rights, he/she has the right to have a representative from the bargaining agent present during all investigative meetings. While it is the responsibility of the employee to ensure that the bargaining agent representative is notified and is present at any such discussion, HRS recommends that you be proactive and have a representative scheduled to attend the meeting. HRS can schedule the union representative for you. The role of the representative is to support the employee, help clarify questions, but not to answer questions or disrupt the meeting.
- Non-union employees may request a co-worker to be present during an investigatory meeting.
- Complete the [*Investigative Meeting Worksheet*](#). This will help you clarify the performance and/or behavioral concerns so you can better discuss them at this meeting.
- Interview witnesses (if applicable) – have a list of questions prepared that you will ask each witness, document the responses and any questions the witness (and/or witnesses) had and how you responded. Whenever possible, confirm through others what was observed.

The intent of the investigative meeting:

- To provide due process to the employee ensuring the employee's rights under policy, employment law and collective bargaining agreements, as applicable
- To explain clearly the behaviors and performance problems through observations, facts, evidence etc.
- To confirm that the employee understands the problems and performance/behavior expectations
- To ask their perspectives on why the expectations are not being met (to get to root causes).
- To answer any questions the employee may have – again keeping confidentiality in mind.
- Describe next steps:

I am currently gathering all information and conducting a thorough and fair investigation. This is a confidential employment issue so I will limit discussion of the information to those with legitimate reason to know about the matter. Any discipline that may follow will come from (name, discipline comes from the manager/supervisor); I expect to conclude the investigation by (day, date or within a certain timeframe); I will contact you as soon as a decision has been reached.

Characteristics of a good investigatory meeting:

- Efforts are made to help employee be as comfortable as possible
- Focus on behavior and performance – not the person
- Ask questions to understand root cause of performance issues (see Performance Analysis Tool)
- Document content of meeting and employee responses
- Confirm understanding by using listening skills such as paraphrasing, reflecting and asking clarifying questions
- Discuss next steps

Next Steps:

Discuss findings of the interviews with the department Dean or Director and HRS to make sure all decisions are aligned with appropriate policy and collective bargaining agreements.

Determine which step will be needed to correct the behavior and insure that the right progressive corrective action is taken. If needed, you can use the templates for the following steps:

- Performance Improvement Plan
- Written Warning
- Written Warning with a Suspension

Create a follow-up plan. This step is vital to achieving real sustained change. It sets up an accountability and feedback structure to correct the behavioral or performance concern. A good follow-up plan will include the following:

- How will he/she be monitored for improvement?
- How will you follow up with other employees that could be impacted to see how the plan is working for them (e.g., how they are feeling, any continuing concerns etc.?).
- How and when will feedback be provided to the employee on progress or lack thereof?

If termination is what you are recommending and considering, HRS must be consulted to insure that the process is aligned with all applicable policies, procedures and collective bargaining agreements. (See Corrective Action & Disciplinary Process Checklist to ensure all processes are met).

Investigative Meeting Worksheet

Review what you currently know about the performance problem(s):

1. Describe the performance and/or behavior(s) that are currently being observed (use **objective, non-evaluative** language to describe). Include a description of the specific outcomes/impacts on the team, department or manager.
2. List specific evidence and/or documentation about the above performance problem (productivity reports, member complaints, observations).
3. Describe the standard of performance expectations. Identify supporting documents that describes this standard (i.e. workplace norms, policies, expectation memos or past disciplinary actions, or other signed documents where the expectations have been communicated).
4. Describe actions taken in the past (i.e. development, feedback and corrective actions) to ensure employee can meet performance expectations. Pull together all documentation related to these actions.

Before you start an investigation, be clear about what your intention is by answering the following:

5. What is my **overall goal** in this investigation? How will I articulate this to the others?
6. How will I **analyze** the performance problem to insure understanding of root cause?
7. **Who** could contribute to my understanding of this issue? Make a list of witnesses.
8. Do I believe this could result in a disciplinary action? If so, what do I need to do to insure that the staff member's **Weingarten Rights** are protected?
9. Do I have a thorough **list of questions** that will help create an accurate, fair and thorough investigation outcome for this issue? List these questions here:
10. Do you need support and/or consultation with HRS or your manager?

Initiate an effective investigatory meeting with the employee and witnesses. It is important to have face-to-face meetings to monitor non-verbal responses. Use the following checklist to address witnesses and employees:

Witnesses	Employee
<input type="checkbox"/> Use good meeting skills -warm greeting, eye contact, clarify purpose. Prepare documentation and be prepared to document content.	<input type="checkbox"/> Use good meeting skills -warm greeting, eye contact, clarify purpose. Prepare documentation and be prepared to document content.
<input type="checkbox"/> Describe why you are meeting with the witness and review confidentiality issues.	<input type="checkbox"/> Paint a clear picture of the behaviors using non-judgmental words. (See #1 above)
<input type="checkbox"/> Confirm that they have first-hand knowledge of the performance concern.	<input type="checkbox"/> Confirm that the employee understands performance expectation.
<input type="checkbox"/> Ask them to tell what they observed.	<input type="checkbox"/> Invite their perspective.
<input type="checkbox"/> Be prepared with a list of questions that help clarify the facts, circumstances and behaviors.	<input type="checkbox"/> Be prepared with a menu of possible solutions...but don't lead with them. Ask questions about their ideas first. If no response, bring up an idea and ask their input. Be clear about your 'bottom line'.
<input type="checkbox"/> What questions does the witness have and can you address them?	<input type="checkbox"/> What questions does the employee have and how can they be addressed? Assess and explore their readiness to change.
<input type="checkbox"/> Review your notes with them and have them sign your notes.	<input type="checkbox"/> Describe next steps.
<input type="checkbox"/> Describe next steps.	<input type="checkbox"/> Document meeting.

Effective Communication Techniques

Clarifying questions:

Clarifying questions help us to understand the other person's perspective, gather needed information, resolve misunderstandings, and explore overly general and global statements.

Activity:

With a partner, take turns being the speaker.

The listener (the person receiving the message) is to ask clarifying questions that could help the speaker make clearer, more specific rather than general, non-specific, or accusatory statements.

Use qualifiers such as **what, who, where, when, which,** and **how**. Avoid **why**, as it can be perceived as a criticism of intention.

Example:

Speaker: "Your people are really incompetent!"

Listener: "Which people, specifically, are incompetent?"

"What do they do that is incompetent?"

*"Seek first to
understand, then be
understood."*

– Steven Covey

Speaker: "I am tired of your disrespect!"

Listener:

Speaker: "You are trying to destroy the project!"

Listener:

Speaker: "You only care about your concerns, not mine."

Listener:

Speaker: "All of you are out to get me!"

Listener:

Speaker: "There you go again, trying to pull a fast one."

Listener:

Paraphrasing

Paraphrasing is a tool for ensuring that the speaker's meaning is understood by all. It also gives the speaker a chance to hear words reflected back so that they can correct misinterpretations.

Example:

Speaker: "It is very important to me that I get to process the paperwork without someone always looking over my shoulder."

Leader: "So you prefer the autonomy."

Activity:

With a partner, take turns telling each other your political views, or opinions about a social concern, organizational policy, etc. The facilitator will interrupt the speaker every few sentences in order to paraphrase what has been said. The speaker should make sure that the facilitator has captured the correct meaning.

Using Empathy

Using empathy is a form of paraphrasing that can be used to reframe potentially disruptive words in a less inflammatory form. When a speaker's remarks may hurt another or cause communication to break down, the leader can use empathy to paraphrase the speaker's underlying needs and intensity of feeling, without the potentially destructive language.

EXAMPLES

Speaker: "He's just lying about all this! It's outrageous! I won't listen to another word!"

Leader: "Honest communication - that's what's really important to you!"

Speaker: "I hate getting email messages from Bill. That's so rude! Why can't he just come and talk to me?"

Leader: "You prefer direct communication when there is a problem."

Speaker: "She just doesn't care about our working relationship. She doesn't even listen to me! She is so selfish!"

Leader: "You really want to feel heard and respected."

How to Successfully Complete a Self Directed Action Plan

Purpose and Principles of the Self-Directed Action Plan:

The purpose of the [Self Directed Action Plan](#) is to empower employees to become full participants in the effort to improve their performance outcomes. The steps used to develop an action plan are based on the following principles:

1. While supervisors will be able to see the performance gap, the responsibility for closing this gap needs to be placed on the employee.
2. When individuals are trying to correct performance problems, letting them provide suggestions on how to solve problems gives them ownership of both the problem and the solution.
3. Individuals who have a strong desire to meet performance expectations and are clear on what the expectations are will be more capable of identifying the right steps needed to close performance gaps.
4. Individuals who are making changes in their lives must be able to express why the change is important and be willing to make the tradeoffs needed to realize the change.
5. Changing work habits, like any habit, require a person to honestly identify what is supporting and/or opposing the behavior change. Without this honest assessment, individuals can get caught off guard. That is why reflecting on those forces – both positive and negative- is an important part of the self- directed action plan process.
6. To translate an intention to actual improved performance behaviors takes personal determination, practice, repetition and the support of others. Creating a written action plan allows individuals to make their intentions clear and obtain the needed support to achieve success.

When to Use:

This process is used when it is clear that a corrective action is needed by an employee to meet a specific performance expectation of their position. A supervisor can use this process whenever a need exists to address a performance concern. The best uses are for habit changes that require reflection and specific behavior changes.

Suggested Process to Develop an Effective Action Plan:

The objective of providing employees an opportunity to develop an action plan is to assist an employee in improving his/her job performance or poor work habit(s) in order to achieve the expectations set for the position. The supervisor and the employee are encouraged to work together in solving the problem(s) rather than assessing blame for lack of an outcome. The following steps are recommended in developing an improvement plan.

1. Once a supervisor has determined a performance concern exists, the employee must be informed of this concern. During this conversation, the employee is provided specific behavioral examples so that he/she will understand the concern and be able to feel empowered to own a solution. Supervisors are expected to work in partnership with the employee toward a positive resolution to the problem.
2. To begin the process, the supervisor will write a clear behavioral based statement that must be met in order to meet performance expectations. To be effective, an action plan should be developed for a behavior or set of behaviors that are closely related. For example, an action plan can be developed if the performance concern is both tardiness and absenteeism. However, this same action plan cannot also include a performance concern related to poor interpersonal communications.
3. The employee must clearly understand the behavioral statement before beginning the five step process to completing an action plan.
4. The employee will then complete step two, three and four and then review the exercises with the supervisor. At this meeting, the supervisor and employee will discuss whether or not all underlying issues have been identified that could support or hinder success. Employees can typically complete this step within five working days.
5. The supervisor must encourage employee participation to find the best possible solutions to the problem. The employee and the supervisor must determine the best approach to address the performance issue.
6. Following the above meeting, the employee will complete a final written action plan that lists a realistic set of actions and timelines that will result in meeting performance expectations. This step is usually done within five working days.
7. Once a course of action and improvement expectations have been identified, establish a time to evaluate progress. In order to maintain time lines, the supervisor should meet with the employee no later than sixty days from the commencement of the plan.
8. To sustain improvements, a process of on-going feedback should also be established. This feedback must be clear and offer guidance to the employee as to the progress being made.

Self Directed Action Plan

Employee Name: _____ Department: _____

This worksheet is a tool to help you succeed in your job. This planner will take you through five simple steps toward improving and sustaining a behavior or a work habit change.

Step 1. Describe the behavior or work habit that can be improved and why it is important to your success.

You must be very clear about what is being asked of you and why. Can you write what the behavior change is and when it must be completed? Can you state how behaving differently will benefit the customers you serve, your peers, yourself? If you cannot do this step...stop and speak to your supervisor to help you describe the changes that are being asked of you.

Example: *I plan to let others know when I am unable to meet a commitment and ask for help if necessary.*

Step 2. Clarify your interest in changing this work behavior and/or work habit.

You have to believe that the result of your efforts will be worth the work involved in changing a work habit. You need to be clear about this before you begin to create an action plan. If you are not clear, then other “things” will get in the way and push you off course.

In a quiet place, ask yourself the following questions about this change:

- Do I believe that a change in behavior is needed for me to be successful in my job?
- Am I convinced that the benefits of making this change are worth it? In other words, “what’s-in-it-for-you” to change?
- Can I *picture* myself being able to behave differently?
- Can I communicate what the change in behavior will look like to others?
- Do I have the personal discipline needed to focus on changing this behavior?

Now... complete the following exercise:

Weighing the Costs & Benefits

Changing this behavior is worth the effort because...	Changing this behavior is not really worth the effort because...

Now look at the reasons not to pursue this change. Can you talk yourself out of these misgivings? If you can't, your mixed feelings will interfere... and it will show up eventually. Talk to your supervisor or obtain advice from Human Resource Services if you have real misgivings about your ability to make this change.

Step 3. Take Inventory. List all the forces that support your ability to make this change. Then list all the forces that work against your ability to make this change. Forces can be many different things both outside yourself and inside yourself:

- **Skills...** *communication, customer service, time management, organizational, technical*
- **Schedules...** *work, children, school, meetings*
- **Access to resources...** *transportation, day care, doctor's, EAP, manager, Human Resources, training programs*
- **Knowledge...** *policies, programs*
- **Relationships...** *peers, feedback opportunities, managers*
- **Personal motivations...** *job satisfaction, doing a good job, commitment to peers, patients, family demands*
- **Rewards...** *perceptions of peers & supervisors, improved success, salary increase*
- **Self-Concepts...** *reliable/ not reliable, disciplined/ not disciplined, able/ not able.*
- **Beliefs...** *the change will be good or bad, my supervisor supports me/ does not support me.*

Example: An Inventory to Meet Commitments

Forces that support this change...	Forces that oppose this change...
<input type="checkbox"/> I want to keep my promises <input type="checkbox"/> I don't like it when others do not communicate to me.	<input type="checkbox"/> I do not want to be perceived as unreliable or incompetent. <input type="checkbox"/> My time management skills are not very good. <input type="checkbox"/> Other peers are as busy as I am, I don't want to be a bother.

An Inventory

*In the left column, list forces driving or pushing you to change a behavior/ work habit.
In the right hand column, list forces restraining you or getting in the way of you changing a behavior and/or work habit...*

Forces that support this change...	Forces that oppose this change...

As you look at this inventory, look at the list of opposing forces. Star those forces that you can eliminate and/or minimize. This is the basis of your action plan. It's easy to get stuck on this step and not see how it could turn an opposing force into a supporting force. **You do not have to do this step alone!** Seek out another set of eyes (or even two) to help you brainstorm. Pick a safe person who will be candid and creative with you. This could be a family member, peer, an EAP counselor, a staff person, member of the clergy, or personal counselor.

Step 4. Develop a list of “Do-ables”...The stepping-stones to action

A “do-able” is a behavior change, new skill, insight, commitment, conversation, (etc.) that meets the following criteria:

- Stands a good chance of being accomplished.
- Meets and does not conflict with personal needs and/or values.
- Builds trust, momentum and confidence in your ability to make a change.

Examples of Do-ables: To Meet My Commitments

1. Create a realistic plan with timelines.
2. Establish a reminder system via a calendar to prompt me to meet my deadlines.
3. Attend a training program on time management
4. Go to bed 1/2 hour earlier to get more sleep.
5. Put a list of do-ables on my bedroom mirror.
6. Meet with my supervisor to explore making some changes to my schedule.

Step 5. Make a commitment to yourself in writing.

An Action Plan is a written commitment to follow through with the “Do-Ables”. Putting your thoughts into words is an effective way to help you make this behavior change.

To be successful an Action Plan must:

- Be simple...yet focus on the do-ables that will create success.
- Clarify responsibilities.
- Discuss how you know if it is working.
- Discuss what you and your supervisor will do if it is not working.
- Clarify an end and a beginning.

ACTION PLAN

Behavior Change:		
Do-able:	Resource and/or Contact Person	Date to be completed

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Performance Improvement Plan

DATE: (insert date)
TO: (Employee Name, Title)
FROM: (Manager Name, Title)
SUBJECT: Performance Improvement Plan

I. Background Information.

(Describe the current situation in general terms. Include specific dates and contributing factors that lead to a need for a more formal performance improvement plan. List all performance concerns including workplace behaviors and/or expectations not being met (i.e. absenteeism, tardiness, etc.).

It has been determined that you are currently not meeting the following performance expectations required of your position:

List each performance concern separately.

The above performance standards, when not met, can result in *(describe the outcome – poor productivity, poor service outcomes, breakdown in team work, etc.)*.

II. Expectations

This plan communicates a clear expectation that you must meet the standards of performance demanded of your position no later than (date). The following are specific performance standards that must be met:

(List in bulleted format the standards of behaviors/performance expected – choose those behaviors that reflect on written policies, role descriptions, professional standards, etc. Describe these in measurable terms, if possible. For example, no unscheduled absences for 90 days, X reports completed within 30 days of receipt, etc.)

III. Actions and Follow up

The following are specific actions that will be taken to address the above performance concerns. The intent of this plan is to provide the support and resources needed to insure your success in your position.

Performance competencies and/or behaviors to be developed:	Development Activities/Tasks	Outcomes/Deliverables	Date to be completed:

1. This plan will be created and discussed collaboratively and will be approved by (name/s of supervisor/manager).
2. Failure to meet and maintain the expectations outlined above may lead to disciplinary action, up to and including termination.

Employee's signature

Date

Supervisor/Manager's signature

Date

Cc: HRS Personnel File

Written Performance Concern Template- Written (MPEA)

DATE: (insert date)
TO: (Employee Name, Title)
FROM: (Manager Name, Title)
SUBJECT: (Letter of Warning, Suspension Letter, etc.)

I. Statement of concern.

On (date), (describe behavior and/or performance concerns in general terms, i.e. you were involved in a conflict with a coworker that resulted in a breakdown in team work and violations of UM policy).

In response to this incident, an investigation process was completed that included a review of (as examples: UM and or dept. policies, your prior performance documents, interviews with coworkers and yourself, review of your Role Description, etc.). Based on this investigation, I have established the following facts:

- List each fact separately to create a total and completed story of what occurred.

The behaviors exhibited in this situation (see above) represent a violation of the following policies, if any (List each one separately) and resulted in (describe the outcome or impact of the behavior or performance deficiencies – poor productivity, unhappy customer, breakdown in team work etc.).

-

In addition to the above incident, during your employment you have had the following informal and formal performance feedback:

- (Date), (Type of Action –Informal Coaching, Letters of Warning, etc.) for (describe general problem).

II. Expectations

(List in bulleted format the standards of behaviors expected – choose those behaviors that reflect on written policies, professional standards, etc.)

III. Actions and Follow-up

The following are specific actions that will be taken to address the above performance concerns. (*Note those actions below, such as written action plans, etc. some examples have been provided below*) You have a right to the grievance procedure, within ten (10) days of the occurrence, outlined in Article XIV of your MPEA Collective Bargaining Agreement (CBA). For further assistance please contact your MPEA union representative.

1. If you are administering a suspension without pay include the following language: You will serve a disciplinary suspension without pay on (note dates of suspension here)
2. **(Optional)** You must create a Written Action Plan that specifically outlines what you will do to insure that the above noted expectations are met. This written plan must be approved by (names of supervisor and manager) by (date).
3. You will immediately meet and sustain the performance and behavioral expectations of a (dept. name) employee and (title).
4. Failure to meet the expectations and/or a recurrence of the same or similar behavior and/or demonstration of further performance concerns may result in further disciplinary action, up to and including termination.

I acknowledge that I have received a copy of this document and had an opportunity to discuss it with my supervisor. I understand that my signature does not signify my agreement with the statements made above.

Employee's signature

Date

Supervisor/Manager's signature

Date

cc: MPEA
HRS – Personnel File

Written Performance Concern Template: Written (Non-Union or Other Union)

DATE: (insert date)
TO: (Employee Name, Title)
FROM: (Manager Name, Title)
SUBJECT: (Letter of Warning, Suspension Letter, etc.)

I. Statement of concern.

On (date), (describe behavior and/or performance concerns in general terms, i.e. you were involved in a conflict with a coworker that resulted in a breakdown in team work and violations of UM policy).

In response to this incident, an investigation process was completed that included a review of (as examples: UM and or dept. policies, your prior performance documents, interviews with coworkers and yourself, review of your Role Description, etc.). Based on this investigation, I have established the following facts:

- List each fact separately to create a total and completed story of what occurred.

The above behaviors exhibited in this situation represent a violation of the following policies, if any (List each one separately) and resulted in (describe the outcome or impact of the behavior or performance deficiencies – poor productivity, unhappy customer, breakdown in team work etc.).

-

In addition to the above incident, during your employment you have had the following informal and formal performance feedback:

- (Date), (Type of Action –Informal Coaching, Letters of Warning, etc.) for (describe general problem).

II. Expectations

(List in bulleted format the standards of behaviors expected – choose those behaviors that reflect on written policies, professional standards, etc.)

III. Actions and Follow-up

The following are specific actions that will be taken to address the above performance concerns. *(Note those actions below, such as written action plans, etc. some examples have been provided below).*

Put appropriate grievance language here if applicable.

1. If you are administering a suspension without pay include the following language: You will serve a disciplinary suspension without pay on (note dates of suspension here)
2. You will immediately meet and sustain the performance and behavioral expectations of a (title of position) in (dept. title).
3. **(Optional)** You must create a Written Action Plan that specifically outlines what you will do to insure that the above noted expectations are met. This written plan must be approved by (names of supervisor and manager) by (date).
4. Failure to meet the following expectations and/or a recurrence of the same or similar behavior and/or demonstration of further performance concerns may result in further disciplinary action, up to and including termination.

I acknowledge that I have received a copy of this document and had an opportunity to discuss it with my supervisor. I understand that my signature does not signify my agreement with the statements made above.

Employee's signature

Date

Supervisor/Manager's signature

Date

cc: Appropriate Union (if applicable)
HRS – Personnel File

Notice of Employee Termination Template – MPEA

(Date)

(Employee Name)

(Address)

(City, State, Zip Code)

Dear (Employee Name):

This letter is to inform you that your employment with the University of Montana is being terminated effective (date), as confirmed by (our conversation on date or phone call on date).

On (date), you chose to (describe the incident and specific behaviors).

The above behaviors resulted in: (state business outcomes, the impact of the behavior or performance concerns, violation of policies, etc.)

This incident follows a pattern of similar (misconduct or performance concerns) related to (describe these, if applicable).

You received the following notices of disciplinary actions on the following dates (if applicable):

At the time of your final warning, you were advised of the consequences should any further incident occur in the area of (describe behaviors). You appear to be unable to meet and sustain the performance standards of (title of position) and consistently meet the policies of (the University of Montana or department name) such as (list policies),

Based on the above information, your employment is terminated, effective (). All relevant factors regarding your employment with (department name) were considered. Consistent with this notice, you are further notified that you have the right to pursue the grievance process outlined in Montana Public Employees Association (MPEA) Collective Bargaining Agreement (CBA) within ten (10) days of this notification (see attached excerpt from the MPEA CBA).

Sincerely,

(Supervisor)

Cc: HRS Personnel File
MPEA

Notice of Employee Termination Template – Non-Union

(Date)

(Employee Name)

(Address)

(City, State, Zip Code)

Dear (Employee Name):

This letter is to inform you that your employment with the University of Montana is being terminated effective (date), as confirmed by (our conversation on date or phone call on date).

On (date/s), you chose to (describe the incident/s, specific behavior/s and/or performance concern/s).

The above behaviors resulted in: (state business outcomes, the impact of the behavior or performance concerns, violation of policies, etc.)

This incident follows a pattern of similar (misconduct or performance concerns) related to (describe these, if applicable).

You received the following notices of disciplinary actions on the following dates (if applicable):

(If applicable) At the time of your final warning, you were advised of the consequences should any further incident occur in the area of (describe behaviors). You appear to be unable to meet and sustain the performance standards of (title of position) and consistently meet the policies of (the University of Montana or department name) such as (list policies).

All relevant factors regarding your employment with (department name) were considered.

Sincerely,

(Supervisor's name and signature)

Cc: HRS Personnel File

Corrective Action & Disciplinary Process Checklist

Manager:

Employee Name:

Position Title:

Hire Date:

Bargaining Unit:

Process per UM Policy	Documentation Type & Dates	Investigatory Meeting Y/N (date)	Comments:
<ul style="list-style-type: none"> • Documented efforts to correct behavior prior to disciplinary process • Pre- disciplinary Performance Development Plan and/or Self Directed Action Plan completed and outcomes documented. 			
<ul style="list-style-type: none"> • Documented verbal reprimand/warning 			
<ul style="list-style-type: none"> • Written warning • Post disciplinary Performance Development Plan and/or Self Directed Action Plan 			
<ul style="list-style-type: none"> • Written warning with an unpaid suspension or final written warning in lieu of unpaid suspension 			
<ul style="list-style-type: none"> • Transfer or demotion 			
<ul style="list-style-type: none"> • Any other appropriate disciplinary action 			

Discharge From Employment - The Seven Tests for Just Cause

	Documentation Type & Dates	Comments:
Forewarning: Did the employer inform the employee of the possible or probable disciplinary consequences of the conduct?		
Reasonable/Related Rules: Was the employer's rule or policy reasonable related to the orderly, efficient and safe operation of its business?		
Thorough Investigation: Did the supervisor make an effort to determine if the employee actually did violate the rule or order before administering discipline?		
Fair Investigation: Was the employer's investigation conducted fairly and objectively?		
Substantial Evidence: At the investigation, did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?		
Consistent: Has the employer applied its rules, policies and discipline even-handedly and without discrimination to all employees?		
Discipline: Was the degree of discipline administered by the employer in a particular case reasonably related to (a) seriousness of the employee's proven offense and (b) the record of the employee in their service with the employer?		

JUST CAUSE – THE SEVEN STEP TEST

1. Did the employee have forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?
2. Was the University's rule or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the department's business, and (b) the performance that the supervisor might properly expect of the employee?
3. Did the supervisor, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?
4. Was the University's investigation conducted fairly and objectively?
5. Did the investigation produce sufficient evidence or proof that the employee was guilty as charged?
6. Has the department applied its rules, orders and penalties even-handedly and without discrimination?
7. Was the degree of discipline administered by the supervisor in a particular case reasonable related to (a) the seriousness of the employee's proven offense, and (b) the employee's records of service?

If the answer to one or more of the above questions is “No”, it may signify that just cause for discharge does not exist.