

# **Supervisor's Guide to Progressive Performance Counseling and Corrective Action**

## **Preface**

This guide provides supervisors with information for progressive performance counseling and corrective action when discipline is necessary, what level of discipline is appropriate, and how it should be administered.

Occasionally, a university staff member does not meet the standards of conduct and/or performance established to enable all of us to work well together to achieve the university's mission to improve the quality of human life through teaching, research, and public service.

The principles of progressive discipline, equitable treatment, and past practice are described in this guide. The nature of each step of progressive discipline is outlined. The guide also outlines the staff member's opportunity to appeal disciplinary actions. A checklist of questions is provided to help guide you through the disciplinary process.

Two important issues need to be emphasized. First, although the bulk of this guide addresses more common problems leading to discipline—e.g., poor work performance or poor attendance—there are times when major infractions occur that require moving immediately to a suspension or discharge. There are also times when a step may be repeated or skipped. To assure appropriate and timely action, you should contact your divisional human resources staff or human resources manager. Second, consideration of the individual's level of responsibility or type of position within the university is critical in applying the concepts of progressive discipline in any given case.

The university has final discretion to determine under which circumstances a staff member may be suspended, terminated or otherwise disciplined and to establish the procedures for doing so.

## **Elements of Managing Performance**

A sound performance management program is based upon an accurate description of the duties and responsibilities of the position, an orientation of the staff member to the university and to the department, and a comprehensive training program. The university has a number of resources available to help supervisors enhance their performance

management skills. Among the resources are training programs provided by the Center for Training and Education, and supervisory guides.

The *Supervisor's Guide to Employment* describes the processes of requisitioning (summarizing the duties and responsibilities), recruiting, screening, interviewing and selecting applicants, as well as the supervisor's responsibilities and those of the divisional human resources office. The second guide, the *Supervisor's Guide for Orientation of New Staff*, provides a practical approach for orientation and recommends specific actions the supervisor can take to help new staff members become effective performers.

The work standards, introductory period, Individual Performance Plan, performance appraisals, and Performance Improvement Plan are part of the performance management process for new and current staff and provide the system's framework.

### **Establishing Work Standards**

As a supervisor, you have a responsibility to establish work standards to ensure employee performance, motivation, and morale. These should be communicated uniformly and applied consistently. Work standards should be clear, reasonable, and attainable and should include specific, measurable performance targets. It is important to establish performance expectations and standards by which staff members are expected to conduct themselves. Work standards, rules and practices should be reviewed regularly and updated if necessary. Supervisors who administer these standards consistently and without discrimination earn the respect and trust of their staff.

### **Importance of the Introductory Period**

The university has established a 90-day introductory period for all staff. It is during this period that you communicate the work standards and a staff member is trained to perform the duties and responsibilities of the position and is provided information leading to successful university employment.

The purpose of the introductory period is to assure that the staff member can satisfactorily meet the requirements of the position. The individual's work performance should be monitored throughout this "trial period" and measured against the university's and department's policies, procedures, work rules, and performance standards. Once the introductory period is successfully completed, you should meet with the staff member to communicate the completion of the introductory period. During the course of the introductory period, you should provide the staff member with feedback regarding job performance/conduct. If this is done consistently, the staff member will have no "surprises" at the end of the introductory period.

If you see or anticipate a problem developing, formulate an improvement plan and implement it immediately. You should inform the staff member that there is a problem, and discuss ways to resolve it. The staff member should receive feedback over a reasonable period of time and be advised of the consequences of continued failure to correct the problem.

If the staff member continues to function below expectation, you may elect to extend the introductory period or terminate the individual following consultation with the divisional human resources staff or human resources manager. If the introductory period is extended, this action should be documented and reviewed with the divisional human resources staff or the human resources manager before informing the staff member of the extension. When you elect either extension of the introductory period or termination, the staff member must be notified prior to the expiration of the introductory period.

It is recommended that the following information be included in the document extending the introductory period: details about the performance deficiencies leading to the extension, expectations for improvement, resources available to the staff member to improve performance, and the duration of the extended introductory period. It is not necessary to take the full sequence of disciplinary steps before making the decision to terminate an introductory staff member, nor is it necessary that the full introductory period elapse.

If the staff member is to be terminated, it is recommended that you document in a letter the reason the staff member is being terminated, the effective date of the termination, eligibility for continuing benefits, and who to contact regarding benefits.

It is important to remember that there are specific policies pertaining to staff members following transfer or promotion. A staff member who activates a self-initiated transfer or promotion will enter into a 90 calendar day introductory period for the new position. If the staff member does not successfully complete this introductory period, the individual may apply for other open positions within the university; however, there is no guarantee of continued employment. The staff member has 30 days from notification of failure to complete the introductory period to find a university position for which the staff member is qualified and accepted. The staff member may be scheduled to work for the notice period or may be paid in lieu of notice. If the individual has not accepted a university position within the 30 days, the staff member will be terminated.

### **Individual Performance Plan**

Working with the staff member, you should initiate a performance plan that includes performance objectives, career/professional development goals, and action steps. The plan should be reviewed regularly with the staff member and updated accordingly.

## **Performance Appraisal**

It is university policy that each staff member receive a written performance appraisal at least once a year. The performance appraisal is intended to summarize and record job performance during the appraisal period.

*The objectives of the performance appraisal are:*

1. To provide an opportunity for you and the staff member to have an open dialogue regarding expectations, priorities, goals, and training plan.
2. To assure that the staff member is aware of the responsibilities of the position and of the relative priorities of those responsibilities.
3. To provide the staff member with an evaluation of job performance:
  - a. To provide the opportunity for you to give recognition for performance that is satisfactory or better.
  - b. To provide an opportunity for you to discuss problems in job performance and/or job structure and ways of resolving those problems.
4. To provide a formal record of performance for use in decisions or recommendations relevant to increases, promotion, transfer, or termination.
5. To assure that you are meeting your responsibility to the staff for providing constructive observations on job responsibilities and performance.

In the event a staff member's conduct and/or performance requires intervention, it is your responsibility to initiate the appropriate performance improvement plan and/or disciplinary action.

### **Performance Improvement Plan (Corrective Action)**

The Performance Improvement Plan is an individual plan created by you and the staff member collaboratively. The Performance Improvement Plan identifies the specific areas of performance on which a staff member's improvement efforts should focus. It documents the actions that must be taken for satisfactory job performance by the staff member and clearly identifies who is responsible for them. The improvement plan

should include: the period covered, factors and reasons for not meeting the established work standards, proposed resolutions and objectives, and results.

In developing the Performance Improvement Plan, you should meet with the staff member to discuss the issues related to and the seriousness of unsatisfactory performance. You should engage the staff member in acknowledging that a work performance problem exists and in determining how the problem will be resolved. Agreement on the improvement plan, putting the plan in writing, and setting follow-up dates to review the staff member's progress are essential.

## **Principles of Discipline**

Discipline is a corrective action that seeks to improve or achieve a positive change in performance and/or conduct. Generally, discipline is to be progressive in nature so that it uses the least severe action necessary to correct undesirable behavior and moves to increasingly severe measures only if the problem is not corrected. These steps can include oral counseling, written warning, suspension, and termination. With the exception of termination, the primary objective of discipline is to correct—not punish—the staff member. When properly administered, progressive discipline benefits both management and staff.

For management, progressive discipline maintains order and enforces university and department policies and work standards. It has a positive effect on staff morale and productivity, helps staff members who choose to correct their behavior and performance, and provides the basis for termination decisions.

For staff members, progressive discipline identifies deficiencies, sets a course of action and warns of consequences for noncompliance, assures predictable and equitable treatment, and promotes fair decisions.

Properly applied discipline satisfies the requirements for nondiscriminatory and consistent decisions.

If discipline is to be effective and accomplish its intended purpose, that is, to correct performance and/or behavior, it has certain fundamental characteristics. Generally, discipline is progressive and gives consideration to equitable treatment and past practice.

## **Progressive Discipline**

The principle of "progressive" discipline involves informing the staff member of the problem and the need to correct it, and then using increasingly severe disciplinary measures if the individual fails to comply. In most situations, the problem will first be

brought to the staff member's attention with a counseling session. This initial counseling should impress upon the individual the importance and necessity of correcting the problem. The counseling can be confirmed in a letter to the staff member. Should the staff member fail to respond to counseling, the next step is a written warning. If the problem still is not corrected, another letter or suspension is imposed as a stronger warning. If this sequence of progressive disciplinary steps has not brought about the required changes, termination is considered appropriate.

The disciplinary process includes oral counseling, written warning, suspension, and termination. For most problems, each step in the process is appropriate; however, for more serious issues, the earlier steps may be eliminated. The degree of discipline taken is to be related to the seriousness of the offense and the staff member's record. Other factors to consider are the level of the staff member's position and the type of position; for example, managers and supervisors are held to higher standards of performance and behavior. The goal is to bring about a sustained correction of the problem. If not corrected, more severe action will be taken, up to and including termination.

### **Equitable Treatment**

Each disciplinary problem is unique and must be handled accordingly. It is here that the principle of equity or fairness comes into play.

This principle implies that staff members in similar circumstances should be treated in a similar manner. Equity does not require that you give the identical discipline for the same offense. In other words, discipline does not have to be identical to be "fair." The degree of involvement, employment history, level of responsibility and type of position within the university can affect the level of discipline. Judgment and discretion are critical in applying discipline fairly. For example, two staff members who commit the same offense should not receive the identical discipline if they are at different steps in the progressive disciplinary process.

### **Should Discipline be Imposed?**

For disciplinary action to be successful—modification of the unacceptable performance or conduct—it should be reasonable and appropriate. The following guidelines and questions have been prepared and can be considered prior to taking disciplinary action.

**Adequate warning**-*Did the staff member know or should the staff member have known that the behavior could result in disciplinary action?* As mentioned previously, in your role as a supervisor, you must communicate performance expectations and standards to staff members, as well as the consequences for noncompliance. In some cases, it is the staff member's responsibility to know that

certain actions are unacceptable and will result in disciplinary action. Insubordination; fighting on the job; threatening or endangering another person's life or health, either deliberately or through carelessness; coming to work intoxicated; drinking on the job; having guns or other weapons at work; theft of university property or property of others; and misuse of university property are examples of certain offenses that are universally unacceptable, and severe disciplinary action can be expected. Individuals who possess, use, manufacture, or illegally distribute drugs or controlled dangerous substances at the work place are subject to criminal prosecution as well as university disciplinary action.

**Reasonable expectations and standards** -*Are the performance expectations and standards reasonable, safe, and related to university needs?* Except, in cases of immediate danger to one's health and safety, a staff member generally must follow the "work now and grieve later" approach. Failure to obey a direct order may result in disciplinary action.

**Fair investigation** -*Did you conduct a thorough investigation of the facts and circumstances-including the staff member's explanation-prior to administering discipline?* Information should be sought aggressively and in a fair, objective, and nondiscriminatory manner. You should not wait for people to come forward and volunteer information. In addition, your investigation should be documented in writing.

There may be situations where the individual must be removed from the work place immediately. In these instances, the staff member is suspended pending the results of your investigation. The suspension is done with the understanding that after the investigation, a final decision will be made and communicated to the staff member. The Supervisor's Checklist (see appendix page 18) includes a guide for conducting the investigation.

**Relevant facts**-*Are there facts to support your case?* Information gathered during the investigation should support that the staff member failed to meet the performance expectations and standards for the position or behaved in an unacceptable manner.

**Equitable treatment and past practice**-*Have the performance expectations and standards, orders, and penalties been consistently enforced?* Staff members in similar situations should be treated in a similar manner. Exceptions to past

practice and equitable treatment are justified when staff members have different degrees of guilt, different disciplinary records, or different levels of responsibility and types of positions.

**Appropriateness of discipline-** *Was the discipline related to the seriousness of the offense, to the individual's record, and to the level of responsibility within the university?* This question incorporates the principle of progressive discipline. Generally, minor offenses and first occurrences should result in less severe discipline; major offenses and repeated occurrences should result in more severe discipline.

Together, these six elements and questions incorporate the basic principles of a sound performance management system.

## **The Steps of Progressive Discipline**

There are no formulas or set rules that apply to all situations and give you the answer to the proper disciplinary step to take. Each disciplinary action will depend upon the nature of the offense and the related circumstances. To determine the action to be taken, you must identify (1) the problem that needs to be corrected, (2) your expectations for correction of the problem, and (3) the consequences for not correcting the problem. The staff member is to be informed of these three components.

### **Counseling**

Counseling should be conducted in a private setting and in a friendly, but firm, manner. It should be initiated as soon as you determine that the staff member's performance or conduct is unacceptable.

With input from the staff member, identify and understand the problem. Once the problem is defined, explain your expectations clearly and give the staff member the opportunity to respond. Set a future date to meet with the staff member to review the situation. While there may be additional counseling sessions, inform the staff member that more severe discipline may be necessary if the problem continues. As a follow-up to the counseling, provide feedback on progress made toward reaching an acceptable level of performance/conduct.

For documentation purposes, a brief memorandum to the file should be made stating the salient points of the discussion, such as dates, names, context of discussion, description of situation, witnesses, etc.



If you perceive resistance from the staff member or you are unsure that your message was understood, a follow-up memorandum to the staff member restating the problem, your expectations, and the action required can be helpful. The communication should state that it is a confirmation of the oral counseling.

### **Written Warning**

If the staff member has not satisfactorily corrected the problem after counseling, stronger corrective action in the form of a written warning is necessary. You may also give a written warning as the first step in cases of a more serious nature. The communication should state that it is a written warning.

Meet privately with the staff member to identify the problem and to provide the staff member with an opportunity to give an explanation. Make every effort to ensure that the individual has a complete understanding of the expectations and the consequences if the problem is not corrected. Advise the staff member that details of the discussion will be provided in writing. After the discussion, compose the written warning letter to document the discussion.

If the written warning addresses a performance problem (example, failure to meet the standards for the position), it can include a time schedule for monitoring progress and providing feedback. The time schedule identified in these cases will depend upon the individual circumstances.

**Prior to delivering the warning to the staff member, it should be reviewed by the divisional human resources office staff or human resources manager.**

Once a written warning has been given to a staff member, it is important to the process that you be attentive to the individual's progress and identify immediately any unacceptable behavior. *Generally, there will be two written communications to the staff member before additional corrective action is taken.*

### **Suspension**

Suspension is the next progressive step in the disciplinary process and is normally preceded by counseling and written warning. In cases of serious misconduct or criminal activity, a suspension may be warranted as the initial step in the disciplinary process. In other cases, it may not be warranted at all, such as a staff member's inability to meet the standards of the position. (In that instance, termination may be the only alternative.) Contact your divisional human resources staff or human resources manager if you are considering suspension.

A suspension involves the temporary removal of the staff member from the work place for a specified period of time. Again, the purpose of this disciplinary step is to correct an identified problem. A suspension warns that the staff member's continued employment with the university is in jeopardy.

Following consultation with the divisional human resources staff or human resources manager, the length of the suspension is determined by the department and usually ranges from one to three working days without pay.

Generally, an exempt staff member must be suspended for a full workweek. For additional details, consult your divisional human resources staff or human resources manager.

Documentation of the suspension includes the specific days of the suspension, as well as the date and time the staff member is to return to work.

### **Suspension Pending Review / Investigation for Termination**

A suspension pending review/investigation for termination is imposed upon a staff member who fails to adhere to or meet accepted standards of conduct. During the period of the suspension, there should be an investigation and review of the facts to determine whether the staff member should have an additional opportunity to improve behavior or be terminated. Contact your divisional human resources office staff or human resources manager.

A suspension without pay may be imposed during an investigation of alleged misconduct or criminal activity. Generally, an exempt staff member must be suspended for a full workweek. For additional details, consult your divisional human resources office staff or human resources manager.

The staff member should receive written notification of the suspension and be informed that the decision will be made following the investigation.

If the review/investigation does not result in termination, the staff member may be returned to the position with full pay, partial pay, or no pay depending upon the outcome of the investigation. Should you determine that disciplinary action is justified and the staff member is returned with partial or no pay, your decision should be based upon the principles of discipline discussed earlier. If an exempt staff member is returned to duty without pay, it must be in accordance with the Fair Labor Standards Act.

## Termination

If, after these steps, the staff member's performance still does not meet the expectations, the staff member may be terminated from employment, the final step in the progressive disciplinary process. The involvement by the divisional human resources staff or human resources manager is **required** before this action is taken.

When circumstances are so serious that it appears termination is warranted without going through the full sequence of progressive discipline, it is important that the staff member be given the opportunity to provide an explanation of the events. Examples of such incidents include unauthorized absence from the work place for three consecutive work days; willful destruction of university property; theft of university property or the property of others; threatening or endangering any person's life or health, either deliberately or through carelessness; having weapons in the workplace; misuse of university property; and falsification of job applications or other university records. When these types of incidents occur, the staff member is subject to immediate termination.

**In any situation so serious as to justify termination, university policy requires you to obtain the advice and recommendation of the divisional human resources staff or human resources manager prior to implementing your decision.**

**It is your responsibility to ensure that the staff member has returned all university property.**

## Administering Discipline

### Documentation

Written documentation officially recognizes that a problem exists and is prepared after the meeting with the staff member. If the disciplinary letter is written prior to the meeting, the discussion may be slanted to fit the letter. In addition, a disciplinary letter prepared in advance does not allow for unknown circumstances or explanations presented by the staff member. Correspondence to the staff member should be reviewed by the divisional human resources staff or human resources manager.

Keep clear and accurate documentation at every step of the disciplinary process. Though time consuming, it is of major importance in the final stages of progressive discipline when termination of the staff member is inevitable.

*Outlines for documentation are included in the appendix*

## **Informing the Staff Member**

Communicating the disciplinary action to the staff member is an important element of the disciplinary process. As a supervisor, you need to keep close control of your emotions, avoid sarcasm, threats, getting into an argument with the staff member, or losing your temper. With the obvious exception of a termination, the purpose of the discipline is to correct a problem. The staff member needs to know that better performance/conduct is expected.

## **Confidentiality**

Personnel actions, including disciplinary actions, are confidential and should be shared with higher levels of management on a "need to know basis" only. Actions that pertain to a given staff member should not be shared with co-workers.

## **The Staff Member's Appeal of Disciplinary Action**

### **The Grievance Procedure**

The university has established a grievance procedure through which the staff member may appeal disciplinary actions. Do not be deterred from taking disciplinary action because of a threat or fear of a grievance. The filing of a grievance over a disciplinary action you have taken does not mean that your decision was wrong—it simply means that the staff member disagrees. The grievance procedure allows for the staff member's views to be considered in an orderly way without interrupting work operations.

*The university's grievance procedure is as follows.*

#### **A. General Policy**

1. The university's grievance procedure is designed to provide prompt and orderly resolution of complaints or disputes arising in the course of employment. Any staff member has the right to present to the university any personal grievance regarding employment within 30 days of an occurrence and/or within 30 days of the staff member having reasonable knowledge of the occurrence and have it considered on its merits, except a grievance involving suspension or termination must be submitted as described below. If the complaint pertains to the general level of wages, wage patterns, fringe benefits, or other broad areas of financial management and staffing, it is not an issue to be processed under this grievance policy and is deemed not to be a grievable issue.

2. A grievance alleging discrimination based upon race, color, gender, religion, age, sexual orientation, national or ethnic origin, disability, veteran status, marital status or any occupationally irrelevant condition is to be presented to the affirmative action officer for consideration and will not be processed under this grievance policy.
3. A grievance involving suspension or termination must be submitted in writing directly to the department head within five (5) working days following receipt of notice of the suspension or termination.
4. If the staff member disagrees with any response to the grievance, the grievance can be presented to the next level. It is the responsibility of the staff member to present the grievance to the next level in writing within ten (10) working days following receipt of the decision.
5. No decision can be made at any step of the grievance procedure that conflicts with or modifies an approved university policy, or that is contrary to any law or any contract to which the university is a party.

B. Procedure

1. Since most work-related complaints and disputes can be settled in conversation between the staff member and the staff member's supervisor, staff members are encouraged to resolve any problem by seeing their immediate supervisors. An earnest effort is to be made to resolve these issues as promptly as possible.
2. If the staff member considers it to be appropriate, a conversation may be scheduled with the department head (or designee) or a representative of the divisional human resources office or human resources manager instead of the staff member's supervisor. Consultation with a representative of the divisional human resources office or human resources manager is available to the staff member or supervisor at any point in the procedure. All parties are encouraged to involve a representative of the divisional human resources office or human resources manager when appropriate.
3. The supervisor is responsible for bringing any grievance involving suspension or termination to the immediate attention of the divisional human resources office or human resources manager.

4. If the staff member is not satisfied with the response received after discussing the complaint with the supervisor, the following steps may be used:
  1. The staff member is to identify specifically the unresolved grievance by writing a letter to the supervisor or by completing a grievance form available in the divisional human resources office or from the human resources manager. The staff member is to identify the resolution that is being sought. The supervisor is to send a copy to the divisional human resources office or human resources manager.
  2. Within seven (7) working days after receipt of the written grievance, the supervisor will provide the staff member a written response to the grievance with a copy to the divisional human resources office. If the grievance involves alleged violation of law or university policy, the supervisor must discuss the matter with a representative of the divisional human resources office before responding in writing to the staff member. Should the supervisor need additional time to investigate the complaint, the staff member must be advised in writing of the date the written decision will be provided. If the supervisor does not respond within seven (7) working days and does not inform the staff member that additional time is needed to investigate the grievance, the staff member can present the grievance in writing to the next level or to human resources within ten (10) working days from the date on which the decision was due. Should the staff member fail to present the grievance within ten (10) working days, the grievance will be considered terminated.
  3. If the staff member is not satisfied with the written response received from the supervisor, the staff member may request, in writing, review of the matter by the department head or the department head's designee. Within ten (10) working days after receipt of the written grievance, the department head or designee will provide the staff member a written response to the grievance with a copy to the divisional human resources office. Any proposed response from the department at this step must be discussed with a representative of the divisional human resources office or human resources manager before a written response is made to the staff member. Should the department head or designee need additional time to investigate the complaint, the staff member must be advised in writing of the date the written

decision will be provided. If the department head does not respond within ten (10) working days and does not inform the staff member that additional time is needed to investigate the grievance, the staff member can present the grievance in writing to the next level or to human resources within ten (10) working days from the date on which the decision was due. Should the staff member fail to present the grievance within ten (10) working days, the grievance will be considered terminated.

4. If the staff member is not satisfied with the written response received from the department head, a written request for review of the grievance may be submitted to the vice president for human resources. A grievance committee will be established to consider the grievance. Membership will include three individuals, including a chair, who is designated by the vice president for human resources, and two individuals from the university community. The members of the grievance committee will interview the staff member and management representative(s), review the documentation and speak with any other individuals the committee deems necessary to process the grievance. Following the committee's investigation, a recommendation will be submitted to the vice president for human resources, who will render the final decision of the university.

### **Responsibility of Staff Member and Management**

A staff member initiating a grievance has the responsibility to identify the grievance, as well as the supporting facts and the basis for the relief sought. When the grievance concerns a disciplinary action, the staff member will be required to show that the discipline was not warranted or was too severe.

As a supervisor, your responsibility is to respond to the grievance and to be prepared to identify the basis for the action taken.

### **Grievance Advisor**

The university provides trained human resources staff to serve as grievance advisors. The role of the advisor is to provide information to staff members who may be considering filing a grievance, and to a supervisor/manager who receives a grievance.

A grievance advisor listens; explores formal and informal options; explains the three-step grievance process and procedures (what it is/isn't, likely time frames, how it works, what to expect, etc.); provides information on alternative internal resources, such as Career

Management, *WORKlife*, Faculty and Staff Assistance Program, and/or Center for Training and Education; describes the grievance meeting; and offers guidance to the staff member in the completion of a grievance form, etc. A grievance advisor is not an advocate, does not offer advice for resolution of the grievance, neither encourages nor discourages the filing of a grievance, and does not accompany the staff member or supervisor to any meeting or serve as a spokesperson.

## **Conclusion**

Addressing staff relations issues is never an easy task. The steps described in the guide provide a systematic approach to the issues. Through the introductory period, training, and performance appraisals, unsatisfactory conduct and/or performance requiring attention will be identified. Applying the principles of discipline and the steps of progressive discipline will assist you in addressing the issues and provide the staff member the opportunity to conform to the policies and procedures of the university and the department.

Your divisional human resources staff or human resources manager is available to assist you at every step. You are encouraged to make full use of these resources. They are experienced in handling staff relations issues and are able to assist in identifying possible courses of action. It is strongly recommended that you work with the human resources staff in preparing disciplinary letters or memoranda to be given to staff members.



# **APPENDIX**

## THE JOHNS HOPKINS UNIVERSITY SUPERVISOR'S CHECKLIST

This checklist is helpful in analyzing a staff member's problem and determining what disciplinary action might be appropriate. It is intended to help you remain objective in determining and administering progressive discipline. "No" answers may indicate that more information or further analysis may be required before initiating disciplinary action. You should answer all of the questions before you decide on a plan, then consult your divisional human resources staff or human resources manager.

### I Work Performance Problem

- | yes                          | no                       |   |
|------------------------------|--------------------------|---|
| 1. <input type="checkbox"/>  | <input type="checkbox"/> | Is the staff member adequately performing the work assigned?  |
| 2. <input type="checkbox"/>  | <input type="checkbox"/> | Does the staff member display an understanding of your expectations:<br>A. What to do?<br>B. How to do it?<br>C. Why to do it?<br>D. When to do it? |
| 3. <input type="checkbox"/>  | <input type="checkbox"/> | Does the staff member have access to and know where to find written instructions/procedures?  |
| 4. <input type="checkbox"/>  | <input type="checkbox"/> | Has the staff member ever demonstrated the skill?   |
| 5. <input type="checkbox"/>  | <input type="checkbox"/> | Is it a skill the staff member can be taught?   |
| 6. <input type="checkbox"/>  | <input type="checkbox"/> | If yes to #5, have you made arrangements for training?  |
| 7. <input type="checkbox"/>  | <input type="checkbox"/> | Based on experience/education, is it a skill the staff member should possess?   |
| 8. <input type="checkbox"/>  | <input type="checkbox"/> | Has the performance been acceptable in the past?  |
| 9. <input type="checkbox"/>  | <input type="checkbox"/> | Could the staff member perform the skill if he or she wanted to?  |
| 10. <input type="checkbox"/> | <input type="checkbox"/> | Is the work expected reasonable?  |
| 11. <input type="checkbox"/> | <input type="checkbox"/> | Has the job changed?  |

### II Behavior Problem

- | yes                         | no                       |  |
|-----------------------------|--------------------------|--|
| 1. <input type="checkbox"/> | <input type="checkbox"/> | Is the staff member's behavior appropriate/acceptable? |
| 2. <input type="checkbox"/> | <input type="checkbox"/> | Does the staff member understand acceptable behavior?  |
| 3. <input type="checkbox"/> | <input type="checkbox"/> | Has the behavior been acceptable in the past?          |

### III Supervisor's Responsibility

*The university depends on supervisors to communicate university policies and practices. Since you determine job tasks/duties, you must communicate job performance expectations and departmental work rules.*

- | yes                         | no                       |   |
|-----------------------------|--------------------------|---|
| 1. <input type="checkbox"/> | <input type="checkbox"/> | Have you provided adequate training?  |
| 2. <input type="checkbox"/> | <input type="checkbox"/> | Can the staff member function within the work group without using the deficient skill?          |
| 3. <input type="checkbox"/> | <input type="checkbox"/> | Do you reinforce acceptable behavior?   |
| 4. <input type="checkbox"/> | <input type="checkbox"/> | Has acceptable behavior/performance expectations been communicated clearly to the staff member? |
| 5. <input type="checkbox"/> | <input type="checkbox"/> | Have you conducted a full and fair investigation as outlined below?                             |

### IV The Investigation

- | yes                         | no                       |   |
|-----------------------------|--------------------------|---|
| 1. <input type="checkbox"/> | <input type="checkbox"/> | Have you discussed this problem with the staff member to get an explanation?              |
| 2. <input type="checkbox"/> | <input type="checkbox"/> | Do you understand the staff member's explanation?   |
| 3. <input type="checkbox"/> | <input type="checkbox"/> | Have you conducted an objective investigation by approaching the problem from all angles? |
| 4. <input type="checkbox"/> | <input type="checkbox"/> | Have you questioned the people involved, including those mentioned by the staff member?   |

- |                              |                          |  |
|------------------------------|--------------------------|--|
| 5. <input type="checkbox"/>  | <input type="checkbox"/> | Have you examined the physical evidence—e.g., time cards, vouchers, daily logs, equipment, location? |
| 6. <input type="checkbox"/>  | <input type="checkbox"/> | Do you know the basic facts—e.g., dates, times, places, people involved?                             |
| 7. <input type="checkbox"/>  | <input type="checkbox"/> | Have you separated the disputed facts from the undisputed facts?                                     |
| 8. <input type="checkbox"/>  | <input type="checkbox"/> | Have you checked university and departmental policy?   |
| 9. <input type="checkbox"/>  | <input type="checkbox"/> | Have you consulted the divisional human resources staff or human resources manager?                  |
| 10. <input type="checkbox"/> | <input type="checkbox"/> | Is there a past history of enforcing discipline for the same or similar offense?                     |
| 11. <input type="checkbox"/> | <input type="checkbox"/> | Is the rule that has been violated applicable?   |
| 12. <input type="checkbox"/> | <input type="checkbox"/> | Did the inappropriate performance/conduct result in cost to others?                                  |
| 13. <input type="checkbox"/> | <input type="checkbox"/> | Did the inappropriate performance/conduct result in danger to others?                                |
| 14. <input type="checkbox"/> | <input type="checkbox"/> | Are there factors in the work environment that contribute to the staff member's performance?         |
| 15. <input type="checkbox"/> | <input type="checkbox"/> | Above all, have you documented your investigation in writing?  |

### V The Staff Member

*Before administering disciplinary steps, be familiar with the answers to the following questions:*

- | yes                         | no                       |   |
|-----------------------------|--------------------------|---|
| 1. <input type="checkbox"/> | <input type="checkbox"/> | Has the staff member been employed a long time?   |
| 2. <input type="checkbox"/> | <input type="checkbox"/> | Is the staff member's work record less satisfactory than the rest of the work group?                        |
| 3. <input type="checkbox"/> | <input type="checkbox"/> | Did the staff member know, or should have known, the rule or policy?  |
| 4. <input type="checkbox"/> | <input type="checkbox"/> | Should the staff member have known your work expectations?  |
| 5. <input type="checkbox"/> | <input type="checkbox"/> | Has the staff member been warned previously for violation of this rule?                                     |
| 6. <input type="checkbox"/> | <input type="checkbox"/> | If previously warned, did you communicate the consequences if the staff member did not correct the problem? |
| 7. <input type="checkbox"/> | <input type="checkbox"/> | Has it been less than a year since the most recent disciplinary action, regardless of reason?               |

### VI Appropriate Disciplinary Action

- | yes                         | no                       |  |
|-----------------------------|--------------------------|--|
| 1. <input type="checkbox"/> | <input type="checkbox"/> | Have you defined the objective of the disciplinary action?   |
| 2. <input type="checkbox"/> | <input type="checkbox"/> | Have you checked university and departmental policy?   |
| 3. <input type="checkbox"/> | <input type="checkbox"/> | Is there a past history of enforcing discipline for the same or similar offense?                         |
| 4. <input type="checkbox"/> | <input type="checkbox"/> | Have you imposed discipline to fit the staff member's past record?                                       |
| 5. <input type="checkbox"/> | <input type="checkbox"/> | Have you imposed discipline that is progressive in nature and that fits the incident?                    |
| 6. <input type="checkbox"/> | <input type="checkbox"/> | Have you considered any mitigating or aggravating circumstances that may affect the level of discipline? |
| 7. <input type="checkbox"/> | <input type="checkbox"/> | Have you set a date to follow-up with the staff member?  |

# The Johns Hopkins University

## Documentation Outlines

### **Outline of Oral Counseling Session—you should state that the meeting is an oral counseling session**

*(for documentation to file)*

1. State time, place, date of meeting, and names of those in attendance.
2. Summarize the unacceptable performance and/or conduct, as well as staff member's responses.
3. Identify the expectations communicated to the staff member and ways to resolve the problem(s).
4. Note any arrangements made for follow-up, including, specific dates and time frames.

**Note: In some cases, you may feel it appropriate to summarize the content of the counseling session in a follow-up memo to the staff member. Under these circumstances, the memo serves as documentation.**

### **Outline for Letter Confirming Oral Counseling**

1. State that the letter is to confirm the oral counseling.
2. State time, place, date of meeting, and names of those in attendance.
3. Summarize the unacceptable performance and/or conduct, as well as staff member's responses.
4. Identify the expectations communicated to the staff member and the ways to resolve the problem(s).
5. Note any arrangements made for follow-up, including specific dates and time frames.

### **Outline for Letter of Warning**

1. **Opening paragraph:** refer back to the discussion(s) with the staff member and/or the action(s) taken to date.
2. **Second paragraph:** state the problem, your expectations, and specific directives for correcting the unacceptable performance and/or conduct.

3. **Third paragraph:** provide formal notification that the letter is a (first, second) written warning and
  1. spell out the consequences of continued failure and/or
  2. spell out nature of disciplinary action to be taken immediately.
4. **Final paragraph:** invite the staff member to contact you if there are any questions regarding the letter.

**Note: A letter of warning to a staff member who is not meeting the standards for the position should identify a time schedule for monitoring progress and providing feedback, as well as the consequences of failure to improve.**

### **Outline of Meeting to Communicate a Suspension**

*(for documentation to file)*

**Generally, an exempt staff member must be suspended for a full workweek. For details, consult your divisional human resources staff or human resources manager.**

1. State time, place, date of meeting, and names of those in attendance.
2. Summarize the unacceptable performance and/or conduct, and the efforts you have made in assisting the staff member to correct them.
3. Note that you informed the staff member of the decision to suspend without pay to:
  - A. Review/investigate record for possible termination

or

  - B. *Give staff member time to think about problem and how she/he intends to correct it.*
4. Identify the date the suspension becomes effective. In the case of "A" above, make note of date for communicating decision to staff member (usually the last day of suspension). In case of "B" above, state date of expected return to work, and a follow-up date and time arranged with staff member to communicate how the problem will be corrected.

## Outline for Letter of Suspension

1. **Opening paragraph:** cite the unacceptable performance and/or conduct and refer back to the most recent discussion with the staff member and/or the latest action taken.
2. **Second paragraph:** explain that prior discussions and warnings have not brought about the required correction.
3. **Third paragraph:** inform of decision to suspend without pay, the period of suspension, and the date of return.
4. **Fourth paragraph:** inform the staff member of the decision to suspend without pay to:
  1. Review/investigate record for possible termination

or

  2. Give staff member time to think about the problem and how she/he intends to correct it.
5. **Final paragraph:** spell out consequences of continued failures and invite the staff member to contact you if there are any questions regarding the letter.

## Outline for Letter of Termination

1. **Opening paragraph:** cite the problem and refer back to the discussion(s) with the staff member and to any prior action(s) taken.
2. **Second paragraph:** explain that prior discussions, warnings, and suspension (if applicable) have not brought about the required action.
3. **Third paragraph:** inform of decision to terminate employment with the university. If the staff member has been suspended with review for termination, explain that review has resulted in the decision to discontinue employment.

State: effective date, number of days pay in lieu of notice (if applicable), number of days of accrued vacation to be paid (unless money owed to the university by reason of theft or fraud).

**Note: Payment in lieu of notice is to be reviewed with the divisional human resources staff or human resources manager.**

4. **Fourth paragraph:** define arrangements to return university property.
5. **Fifth paragraph:** indicate whether the staff member is eligible for re-hire. Consult with your divisional human resources staff or human resources manager before including this statement.
6. **Final paragraph:** invite the staff member to contact you if there are questions about the action taken, and to contact the Benefits Service Center regarding disposition of benefits.

**Consult with your divisional human resources staff or human resources manager to determine whether the staff member is eligible for COBRA benefits. If the staff member is eligible, indicate that the Benefits Service Center is to be contacted for details. If the staff member is not eligible, it should be stated in the letter.**

**PERFORMANCE IMPROVEMENT PLAN**

Staff Member's Name: \_\_\_\_\_

Position Title: \_\_\_\_\_ Period Covered: \_\_\_\_\_

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➤ Describe performance expectations \_\_\_\_\_

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➤ Describe how performance expectations have not been met \_\_\_\_\_

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➤ Staff member's comments \_\_\_\_\_

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**Action Plan**

Activities to be completed by		Follow-up date	Outcomes
Staff Member	Supervisor		

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Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Staff Member's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Summary of Outcomes: \_\_\_\_\_

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Next Steps: \_\_\_\_\_

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Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Staff Member's Signature \_\_\_\_\_ Date \_\_\_\_\_