CORRECTIVE DISCIPLINE – BEST PRACTICES

Webinar Series for Employers
November 13, 2012
What Is Discipline

The word “discipline” comes from the word “disciple,” which refers to teaching, training, or molding. When you discipline someone, you teach that person the correct way to act or react in a certain situation.
What Is Discipline

Discipline is Corrective
- Change behavior rather than punish
- Why correct - cost
- The typical example

Discipline is Progressive
- What is meant by “progressive”?
- Legal requirement
- Increasing the dosage
Why Should You Use Discipline?

- To correct improper conduct and to help an employee be a better worker, thus protecting his/her job security.

- To improve efficiency and quality of the work force and to protect the employer’s property and equipment.
Why Should You Use Discipline?

- To protect the safety and health of all employees.
- To deter employees from engaging in improper conduct or breaches of work rules in the future.
The Red-Hot Stove Rule

*How to Discipline Without Causing Resentment*

- Many supervisors are reluctant to discipline because they don’t want employees to be “mad” at them.

- How long will the employee be upset? This depends on how you conduct the discipline.
The Red-Hot Stove Rule

- Keep in mind the Red-Hot Stove Rule: When you touch a red-hot stove and burn your hand, you learn your lesson quickly because:
The Red-Hot Stove Rule

- The burn is immediate (there is no question of cause and effect)

- You had warning (if the stove was red hot, you knew what would happen if you touched it)
The Red-Hot Stove Rule

- The discipline is consistent (everyone who touches the stove is burned)
- The discipline is impersonal (people are burned not because of who they are, but because they touch the stove)
The Four Keys to Effective Discipline

1. IMMEDIACY

- The more automatic the discipline, the less resentment there will be.
- The more quickly the discipline follows the offense, the more likely it is that the offending person will associate the discipline with the offense rather than with the person imposing the discipline.
The Four Keys to Effective Discipline

2. **WARNING**

- Rules must be communicated clearly using multiple communication vehicles.
- Employees should know and expect consequences for violations.
The Four Keys to Effective Discipline

3. CONSISTENCY

- Set limits and don’t show favoritism. If two employees commit the same offense and one of them is disciplined more severely than the other, naturally there will be cries of favoritism.
- One of the quickest ways to lose respect and lower morale is to impose discipline inconsistently.
- Consistent discipline helps to set limits: It lets employees know what they can and cannot do. Inconsistent discipline inevitably leads to confusion and uncertainty.
The Four Keys to Effective Discipline

4. IMPERSONALITY

- Minimize the danger to the relationship by imposing discipline as impersonally as possible.
- Discipline is most effective when behavior is the only thing being criticized -- not the employee’s whole personality.
Probationary (Trial) Period

Steps in the disciplinary process don’t apply during this period. If an employee is ever going to be on his or her best behavior, it will be during the probationary period.

During the hiring process, managers look for reasons not to offer a job. Now the problem is reversed. Managers fail to look at reasons for not keeping the person at the end of the probationary period.
Probationary (Trial) Period

The rule of thumb? Don’t hesitate – terminate!
Verbal Counseling and Warnings

- Verbal counseling is informal; verbal warnings are the first step of progressive discipline.
- Some managers are reluctant to give verbal warnings, while others only give verbal warnings and fail to move to the next step of discipline.
- Verbal warnings can be effective for good employees.
- Verbal warnings must be documented in writing—this merely means making a record of the conversation.
Three Parts of a Written Warning

- Past
- Present
- Future

You must give a copy of the written warning to the employee. Even if he/she refuses to sign it.
The Final Written Warning

- State it is a final warning.
- Past is important – summarize issues leading to final warning.
- Present expectations.
- Future violations will result in immediate termination.
Disciplinary Investigations

1. **Get The Facts** *(who, what, when, where, why)*
   - Review employee records
   - Review disciplinary guidelines for location
   - Check to see that the rule has been consistently enforced
   - Talk to others involved, if necessary
Disciplinary Investigations

- Discuss with previous supervisor, if necessary
- Make sure all employees know and understand the rule
- Talk to employee involved (after you have identified the problem and written a discussion plan).
The Disciplinary Interview

*Listen Carefully and Address the Behavior*

- When you’re conducting a disciplinary interview, first state the problem.
- Let the employee explain the whole story and state his or her perspective.
- Ask for reasons, not excuses.
- Avoid making a decision until you’ve heard the whole story.
Disciplinary Procedures

2. Consider Possible Actions

- Fit facts together and consider relationship of various inputs
- Consider ultimate objective: to help employees recognize the importance of rules and to follow them
- Weigh possible actions in relation to disciplinary guidelines
- Determine appropriate action plan
Disciplinary Procedures

3. **Take Action**
   - Complete all necessary records
   - Obtain necessary approvals
   - Meet with employee (be sure to eliminate obstacles and create a positive climate)
Disciplinary Procedures

- Explain what action will be taken
- Explain why action will be taken
- Outline future expectations and follow-up actions
- Explain right of appeal through complaint procedure
Disciplinary Procedures

- Once you’ve decided what type of discipline is appropriate, impose it quickly and impersonally.
- End the interview on a positive note, returning to your “helping” role as a coach.
Disciplinary Procedures

- After disciplining, don’t try to avoid that employee or change your attitude toward the employee, which would eventually destroy the relationship.
- Simply treat the person as always, showing that only the behavior was criticized --- not the person.
Disciplinary Procedures

4. Follow Up

- Watch for changes in attitude and performance
- Decide how, and how often, to check on employee
- Re-establish normal relationship with employee
- Assess how well you handled the situation and how to improve future disciplinary actions
The 7 Tests of Just Cause

- Knowledge of rules and consequences
- Reasonable rules
- Investigation before discipline
- Fair investigation
- Sufficient proof of guilt
- Rule applied consistently
- Discipline appropriate for offense
Defenses Against Discipline

- Employees aren’t made aware of the rule. You must make sure your work rules are clarified and clearly posted— if they are, this defense will fail.

- The work rule is unreasonable. The rules we have provided meet this test, but you run into problems when you create rules that have no work-related purpose. As long as your rule satisfies a legitimate work purpose, it will be considered reasonable.
Defenses Against Discipline

- The rule is not uniformly enforced. You must make sure that all supervisors in all departments enforce rules consistently. This problem often occurs when an employee is disciplined for absenteeism or tardiness. Make sure that when you discipline an employee for tardiness, you don’t have another employee working for you with a worse record who has never been disciplined.
Defenses Against Discipline

- **Lax enforcement---then crackdown.** If you haven’t enforced a rule which is being breached by employees, you must put them all on notice that effective immediately this rule will be enforced. Once you’ve put the employees on notice, you can start enforcing it.
Defenses Against Discipline

- **Double jeopardy.** You can’t punish an employee twice for the same offense. For example, you give a verbal warning to an employee for absenteeism, then give the same employee a written warning the next day because you obtained additional evidence the employee was hunting the day he was absent. Once you give an employee a penalty for an infraction, you can’t increase the penalty later unless you reserve the right to increase the penalty pending further investigation.
Defenses Against Discipline

- Due Process of Law
  Make sure you conduct a thorough investigation, including getting the employee’s side of the story, before making your decision.
Questions?

- Thank you for participating!