EMPLOYEE RELATIONS 101:
TIPS TO HELP YOU EFFECTIVELY MANAGE YOUR OFFICE STAFF

Linda Masrob, MBA
Program Objectives

- Identify how to improve your staff recruiting efforts
- Learn tactics to retain your valuable employees
- Understand how to effectively handle disruptive employees
Agenda

1. Role of Leader – “Connecting the Dots”
2. Managing Staff
3. F.O.S.A
4. Legal Considerations
5. Samples and Guidelines
1. Role of Leader

- Effectively engage and manage people in the workplace
- Establish workplace expectations
- Employ best practices and partners
- Maintain a key role in staff engagement and retention
Connecting the Dots

- Create a Positive Environment for Employees
- Establish Expectations
- Motivate Employees
- Coach and Counsel
- Provide Constructive Feedback and . . .
- Document, Document, Document
It is management’s responsibility to establish expectations:

- At the time of hire
- At periodic reviews (6-month, annual)
- During periods of attendance/behavior/performance decline
- When job or duties change

These expectations should be communicated:

- Verbally (in meetings with employees)
- Written (job descriptions, improvement plans/memos)
Know the Workplace Life Cycle

- Attraction and recruitment of new hire
- On boarding new talent – formative period
- Managing ongoing employee performance and engagement
- Enabling growth and development
- Correcting poor performance/behavior
- Managing absences
- Retaining solid performers
- Minimizing avoidable separations – reducing turnover!
Set Expectations for Staff to...

- Attend work on a regular basis and dependable basis.
- Practice ethical behavior and perform their jobs proficiently.
- Comply with organizational policies and procedures.
- Communicate openly when problems occur.
- Seek guidance and assistance when needed.
- Treat others in the workplace, as they want to be treated.
Employees’ Expectations of Leaders

- Communicate job expectations and set realistic goals and deadlines
- Establish supportive and trusting work environment
- Handle employee issues promptly
- Be fair and consistent
- Provide training and promotional opportunities
- Provide positive reinforcement
- Show appreciation for job well done
- Treat others in the workplace as they want to be treated
2. Managing Staff

Major components:

- Attendance
- Conduct
- Performance
Effective Coaching

Guidelines for Counseling Session:

- Define the reason for the discussion
- Describe problem
- State expectations or standards
- Offer suggestions and seek the employee’s input for improvement
- Agree upon appropriate actions
- Focus on the behavior issue or situation, not on the person
- Document
Effective Coaching

Constructive Feedback is:

- Accurate, what was observed
- Specific and objective
- Timely
- Focused on making changes
- Specific suggestions of improvement
- Confidential
- Given with an opportunity for response
- Composed between positive & negative:
  - Positive
  - Negative
  - Positive
- Documented
Corrective Action Steps

Verbal (Coach or Counsel)
- Identify the performance/behavior or attendance to be corrected.
- Ask the employee what is needed to perform the job, i.e., additional training.
- Document the date and issues discussed. You should document!

Written
- The written warning should include:
  1. incident description;
  2. expectations;
  3. consequences; and,
  4. signatures and dates.

Suspension Without Pay
- The second or final warning, which may or may not include a suspension (depending on previous warning).
  - A suspension may or may not be exercised based on the severity of the incident and as defined in the previous documentation.
Corrective Action Steps (continued)

**Investigation**
- Gather all facts (who, what, when, where and why).
- Review facts/letter with Human Resources.
- Meet the employee and give termination letter.
- Include a witness during termination meeting.

**Termination**
- Complete chronology of events warranting action.
- Review facts/letter with Human Resources.
- Meet the employee and give termination letter
- Include a witness during termination meeting.

**Important Note:** Any step in the disciplinary process can be bypassed depending upon the severity of the incident.
F. O. S. A.

F – Facts (who, what, when, where)
What was observed and a summary of events

O – Objectives (expectations, rules)
Rules/expectations not met

S – Solutions (strategies to improve performance)
Solutions/suggestions for corrective and time due

A – Actions (consequences, next steps)
What will happen if not resolved/met in time frame
High-quality Documentation:

- Sets expectations and timelines
- Identifies probable sanctions
- Incorporates corrective discipline
- Records performance discussions
- Follows “F O S A”
  - Facts – Objectives – Solutions/Strategies – Actions
- Stick with facts and precise descriptions of the employee issue.
- Avoid ambiguous phrases or personal opinions that are not supported by evidence.
- Be specific with time and dates.
Documentation Do’s and Don’ts

Do… Detailed documentation which can support a legal case that wins on behalf of the organization.

- Document every step of discipline (even verbal feedback)
- Specify the rule or policy violated
- Describe how the rule or policy was previously communicated to the employee
- Restate all previous violations or disciplinary actions
- Clearly define future expectations
- Warn of consequences of future violations
- Have manager sign and date
- Have employee sign and date
- Witness any refusal to sign
Don’t be Deficient in Documentation Practices that can be used against you and the organization.

- Lack of or no documentation
- Inappropriate use of words such as “discriminate”, “harassment”, or “hostile environment” when describing a situation or person’s actions.
- Labeling an employee when describing them, i.e. old, young, disabled, has female problems, crazy, bad attitude, etc. . .
- Drawing of legal conclusions
- Failure to recount prior history adequately or completely
- Undated and unsigned documents
- Insufficient details
Leaders must avoid actions that affect employees:

- **Disparate treatment** – employee treated differently than others similarly situated

- **Disparate impact** – employee impacted by neutral practice that has adverse impact on protected class

Key is be aware of employment laws and regulations
Important Employment Laws

- Title VII Civil Rights Act 1964
- ADA (Americans with Disabilities Act)
- NLRA (National Labor Relations Act)
- FLSA (Fair Labor Standards Act)
Sexual Harassment Law

Form of unlawful sex discrimination

Courts recognize two forms of sexual harassment

1. “Quid pro quo” – employment decisions based upon submission to or rejection of unwelcome sexual advances
2. Hostile work environment – unwelcome sexual conduct which creates “an intimidating, hostile or offensive working environment”

Duty to act in response to sexual harassment

- Objective, impartial, thorough investigation of alleged harassment

Always act if harassment found, leadership should take all necessary remedial action to stop the harassment immediately.
Avoid Employment-Related Lawsuits

- Practice CPR
  - Consistency
  - Professionalism
  - Risk avoidance
Avoid Employment-Related Lawsuits

- Never tell racial, sexual, religious or ethnic jokes
- Never allow subordinates to dress or act inappropriately at work
- Never touch a subordinate for any reason
- Do not socialize/engage in a personal relationship with a subordinate
- Never call an employee “honey,” “darling,” “baby,” etc
- Do not send or forward offensive e-mails
Avoid Employment-Related Lawsuits

- Treat every employee with dignity and respect
- Avoid hiring “problem” employees in the first place
- Be selective and consistent use a hiring tool/guide
- Quickly address performance issues
- Effectively engage new talent in initial employment period
- Practice open communications
- The “litmus test:” If you are unsure about a remark, job or particular conduct—don’t do it!
Charges

Immediately partner with HR and/or Legal if one of the following occurs:

- EEOC charges of discrimination and/or retaliation
- OSHA (whistleblowers)
- Grievances (formal)
  - Discriminatory harassment
  - Non-discriminatory harassment
Benefits of Positive Work Environment

- Improved talent acquisition
- Retention of exemplary performers
- Reduced workplace disruptions
- “Weeding out” of insufficient performers
- Increased organizational efficiency and effectiveness
- Achievement of key business objectives
Samples and Guidelines

New Hire Checklist
Chronological Event Log Sample for...
  Attendance, Performance & Behavior
Guidelines for Corrective Action
Guidelines for Termination Meeting
Letter Sample for...
  Verbal, Written, Suspension, Termination
  and Job Abandonment
New Hire Checklist

- Letter of Offer
- Physical
- New Hire Orientation
- IT Access, Office Supplies, Organization Charts, Business Cards
- Welcome Plan
- Strategic Goals and Initiatives
- Introductions
- “Buddy” System
- Lunch for First Day
- Tour of Work Area and Campus
- Major Departmental Events
- Reporting Relationships
- Specific Position Duties, Responsibilities and Expectations
- Review of Staff Handbook
- Confidentiality
- Drug-Free Workplace
- Dress Code
- Holiday and Leave Requests
- Work Hours, Overtime, Lunch and Breaks
- Performance and Development Plan
- Supervisor Expectations
- Major Projects
- First Job Assignment
Attendance – Chronology Sample

EMPLOYEE NAME
SSN: XXX-XX-XXXX
Hired: December 14, 20XX

Dec. 14, 20XX  
Orientation Began - Left at 1200 "sick"

Dec. 15, 20XX  
Tardy called in late to orientation - car trouble.

Dec. 22, 20XX  
Requested to leave early - travel plans for the holidays.

Dec. 23-27, 20XX  
Approved time off to previous commitments prior to employment

Dec. 31, 20XX  
Tardy Reported to work late 0816 - car trouble

January 1, 20XX  
Partial Day Absence #2 - left early 3 hours "sick"

January 5, 20XX  
Scheduled to work 2300-0730. Left early at 0706 without permission

January 6, 20XX 1315  
Msg left at home phone to call supervisor.

January 7, 20XX  
Written Warning - Attendance and Tardiness Discussed above attendance and tardiness issues. Employee assured me this would not be an issue in the future.

January 12, 20XX  
Scheduled 2300-0730 for Orientation again. EMPLOYEE NAME was a no show/no call. Department assistant attempted several times to reach him/her home no success. Messages left. Supervisor attempted to call around 0700 - message left. Attempted to reach EMPLOYEE NAME at 0830-msg left to call or page supervisor today. Call made to HR. Plan of action developed. Termination of employment decided. Next scheduled workday is Saturday January 16 0700-1930.
Attendance – Chronology Sample (continued)

January 14, 20XX 0828  
Msg left at above number, instructed to call or page supervisor. Call placed to HR to discuss W/E plan. Msg left to inform EMPLOYEE NAME that she is not permitted to work again until she personally talks with me. Informed employee - taken off schedule until a meeting with supervisor occurred. Again requested employee contact supervisor ASAP.  
1053 – EMPLOYEE NAME left a message that he/she was returning my call and would be home until 1P.  
1056 - Attempted to reach EMPLOYEE NAME without success - msg left to page supervisor.  
1100- EMPLOYEE NAME returned call. Started the conversation with stating didn’t know if he/she wanted the job. I inquired why he/she was a no show/no call for the scheduled shift. Employee replied I just don’t know. I set up a meeting at 0900 1/15/XX to discuss employment status.

January 15, 20XX  
0853 received voice message from EMPLOYEE NAME stating would be late for 0900 appointment. EMPLOYEE NAME arrived at 0935. I inquired - explain the statement given yesterday "unsure if I wanted this job". Employee requested to resign. Resignation letter accepted, hospital property collected.
Behavior – Chronology Sample

EMPLOYEE NAME
SSN: XXX-XX-XXXX
Hired: December 14, 20XX

Nov. 14, 20XX
Complaint letter from customer to manager regarding employee being disrespectful. Conducted verbal conference.

Oct. 15, 20XX
Year later, letter of complaint to HR regarding concerns about employee leaving assigned work area without notifying peers or manager, other staff waiting to be relieved for lunch.

Oct. 20 20XX
Second letter of complaint to manager regarding verbal confrontation between employee and a peer in front of customers and other staff.

Oct. 24, 20XX
Verbal Warning - Behavior. Manager discussed above incidents. Documented and copied to department file. Employee assured me this would not be an issue in the future.

Dec. 31, 20XX
Complaint from staff member regarding employee throwing away personal belongings, verbal exchange in front of other staff and customers. Conducted informal investigation received statements from staff present during altercation. Manager seeks advice of HR for direction, written warning recommended.

Jan. 5, 20XX
Written Warning-Behavior. Conference held with MANAGER to review the above concerns. It was decided to assist employee with customer service classes offered by the organization. Expectations defined and outlined to maintain employment.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 12, 20XX</td>
<td>Letter of complaint from coworker regarding incident where employee alleged threatened them. Investigation began immediately, HR notified and involved with witness statements. Employee denied but witness statements collaborate coworkers’ allegations.</td>
</tr>
<tr>
<td>March 13, 20XX</td>
<td>Suspension without pay (3 days) For verbally threatening others in workplace. Employee to return to work on Monday at regular scheduled time.</td>
</tr>
<tr>
<td>April 12, 20XX</td>
<td>Letter of complaint from customer regarding incident where employee used inappropriate language. Investigation began immediately, HR notified and involved with witness statements. Employee denied but witness statements collaborate customer allegations.</td>
</tr>
<tr>
<td>April 14, 20XX</td>
<td>Termination - Reviewed above incidents with HR and Department Director decision to terminate employee. Meeting with employee and informed that employment was terminated as a result of job performance. Hospital property collected and given termination letter.</td>
</tr>
</tbody>
</table>
EMPILOYEE NAME
SSN: XXX-XX-XXXX
Hired: March 8, 20XX

March 16, 20XX  Failed equipment Test: 70% needed to pass with 80% during orientation.

March 31, 20XX  RETAKE Successfully passed equipment test with 85%

April 7, 20XX  Weekly evaluation noted: Needs additional education regarding technical processes and time management during crisis.

April 17, 20XX  Weekly evaluation noted - Needs to continue with technical process monitoring. Employee is unable to process technical duties independently.

April 27, 20XX  MANAGER discussed with preceptor EMPLOYEE NAME progression. Preceptor expressed great concerns: unable to demonstrate competency, omitting to document assessment. Verbal Conference - EMPLOYEE NAME verbalized was making many mistakes (explain detail here). Also having a great deal of difficulty with priority setting. Unable to function independently.

April 28, 20XX  Written Warning-Performance. Conference held with MANAGER to review the above concerns. It was decided to extend the orientation to assist employee with successfully completing orientation requirements. Expectations outlined to maintain employment.

April 29, 20XX  First day on extended orientation. Employee makes gross documentation error. Error verified with preceptor and employee.
May 3, 20XX  Employee made technical error (give details) verified with preceptor and employee.

May 5, 20XX  MANAGER notified department director of incidents. Call made to preceptor requesting a summary of events May 3, 20XX. HR notified. Plan: to meet with EMPLOYEE NAME to obtain her accounts of the above and place on investigative suspension until a decision concerning employment can be made.

May 6, 20XX  Conference held with EMPLOYEE NAME. Expressed concerns regarding her lack of progress with orientation. Reviewed the documentation of orientation and the latest two incidents. EMPLOYEE NAME stated feelings but no justification for actions. Informed employee they were on investigative suspension. Informed area VP and HR of the above accounts. Decide to separate from employment in the AM.

May 7, 20XX  Termination - Reviewed above incidents with employee and informed that employment was terminated as a result of job performance. Collect company property and give termination letter.
Guidelines for Corrective Action

Despite your best efforts at coaching and counseling, some employees will resist complying with rules or will fail to meet your performance expectations. In such cases, you have the corrective action process to follow.

- **Before you meet**
  - Gather the facts
  - Document the situation (review any intended actions with Employee Relations); and,
  - Develop a chronology of relevant event(s).

- **When you meet**
  - Address in a timely manner
  - Be constructive; and,
  - Show confidence in the employee
Guidelines for Corrective Action (continued)

- **Corrective Discipline:**
  - Includes a discussion between the manager and the employee;
  - Allows the manager to identify a specific problem(s);
  - Encourages the employee to take ownership of his/her behavior, performance and/or attendance; and,
  - Provides an opportunity for the employee to correct the problem.

- **Remember:**
  - The purposes of discipline are developmental and corrective, not punitive.
Guidelines for Corrective Action (continued)

Notes:

- No termination should occur without Human Resources/Legal approval.
- Gross misconduct can be grounds for immediate termination, but only with investigation, review and approval including Human Resources/Legal. The employee should be placed on leave before termination while an investigation is being conducted (time to gather facts).
- Human Resources/Legal are available for advisement regarding specific options and different strategies that may impact your organization.
Guidelines for Termination Meeting

Maintain the dignity and confidentiality of the person. Establish privacy for the meeting. Prepare a termination memo.

• Before the meeting, consult with Human Resources to determine the administrative details. Determine in advance if you will accept a resignation in lieu of the termination, in compliance with The Organization’s practices/policies.

• Schedule the meeting when there are fewer people in the workplace. Early in the morning or at the end of the workday are the best times. Establish witnesses as needed. Be prepared for a range of emotions and reactions, from tears to anger to silence.

• Take charge of the meeting. Open the meeting by stating the purpose. “The purpose of this meeting, (Employee), is to discuss your recent performance and to let you know that effective today your employment with the organization is terminated.”

• State the expectations that were not met. Do not repeat all the specifics of previous disciplinary documentation but refer to the general areas of deficiencies or the most serious infraction that has led to the termination.

• Allow the employee to react, but do not become defensive or argumentative. Do not try to console, make excuses, or defend your decision. Listen, but repeat that the decision is final. Do not go on and on during the meeting – close the meeting once the employee understands the message.
Ask the employee for his/her identification badge, parking authorization, keys or any other facility property to be retained. Be sure to cancel any systems authorizations that the employee may have as soon as the meeting is concluded.

• Ask the employee to get their personal belongings and accompany them as they leave the building. If they need to return for any reason, specify that they need to pre-arrange with you any return to the work site otherwise they are not to return to the premises.

• Notify Human Resources if you suspect an employee may become violent or cause any disruption as a result of the termination. Human Resources will collaborate with you and determine if a security presence is necessary.

• Do not discuss the employment status or employment issues of any employee with other employees in the work group. However, be prepared to let other staff know that the employee is no longer working at the organization and where to direct calls or work assignments.

• Follow through with sending all necessary paper work to Human Resources taking the employee off payroll and paying out any earned/eligible benefits (paid time off – PTO/Vacation).
MEMO TO: Employee
FROM: Manager
DATE: June 20, 20XX
SUBJECT: Verbal Notice for Unsatisfactory Work Performance

The purpose of this memo is to provide a summary of our June 19, 20XX, meeting. We met to informally discuss your performance while working on the XYZ project. We talked about your inability to meet assigned deadlines, customer complaints, and careless mistakes. While you agreed that you had failed to meet deadlines and made careless mistakes, you seemed genuinely surprised by the number of customer complaints I had received about your work.

To help improve your performance, we agreed to meet weekly to discuss your progress on the project and work through any issues you may have.

I believe you can succeed in this position, but it is essential that you work to reduce mistakes and focus clearly on completing work within the assigned time frames.

This letter and our discussion of the incidents about which it is written are to remain strictly confidential and a positive display of behavior at all times is expected. Failure to maintain this could also result in further corrective action.

My goal in addressing this issue is to assist you in a positive, strong and continued success pattern as a valued employee of our department. As we work together toward that goal, I encourage you to keep in mind the behaviors in the organizational mission which we are charged to exhibit, especially the following:

"...We treat each other with dignity, respect and courtesy.
We actively listen and allow different views to be openly communicated.
We work together as a team to find constructive solutions to problems.
We accept responsibility for our own actions and behaviors."

Copy: File
MEMO TO: Employee  
FROM: Manager  
DATE: July 9, 20XX  
SUBJECT: Written Warning for Unacceptable Behavior

The purpose of this memorandum is to discuss some issues with your recent behavior on the job. On June 20, 20XX, we met and you were given a warning for the verbal altercation you had with another staff member. At that time, I explained to you that such conflicts are not acceptable and cited our policy for avoiding fighting. On July 6, 20XX, you had another incident with the same employee and you became loud and angry in my office on July 8, 20XX, when we met to discuss the incident.

This disruptive behavior is unacceptable and will not be tolerated. You are expected to comply with our policies and avoid further confrontations. I will be happy to refer you to resources for assistance.

(Employee), this is a Written Warning and will be placed in your human resources file. If you fail to meet these expectations for acceptable behavior you will be subject to further disciplinary action, up to and including termination.

I fully expect that you can meet these expectations. I hope you will take the necessary actions to correct this situation.

(Employee Signature)   (Date)   (Manager Signature)   (Date)

(Signing this letter does not indicate that you agree with the contents but verifies that it has been discussed with you.)
MEMO TO: Employee  
FROM: Manager  
DATE: June 10, 20XX  
SUBJECT: Suspension Without Pay  

This letter serves to confirm the following disciplinary action that will be taken as a result of your continued non-compliance with established departmental policies. You did not report to work as scheduled on Friday, June 8, 20XX, with no phone call to me regarding the reason for your absence (which is required departmental policy).  

You will be suspended without pay for three days, June 11, 12, and 13 20XX. You are expected to return to work on Thursday, June 14, 20XX, at 8:30 a.m.  

It is expected that you will continue to perform your job duties and comply with hospital/departmental policies. Please note that any future episode of non-compliance/unacceptable performance will result in immediate termination. If you are experiencing difficulties outside of work, which are interfering with your ability to perform your job, I will be happy to direct you to resources which may assist you.  

(Employee), you are a valued member of our department and I expect you can meet these expectations.  

(Employee Signature) (Date) (Manager Signature) (Date)  

(Signing this letter does not indicate that you agree with the contents but verifies that it has been discussed with you.)
MEMO TO: Employee

FROM: Supervisor

DATE: June 1, 20XX

SUBJECT: Notice of Termination

Over the past few months you have received a verbal warning, a written warning and a final written warning for poor work performance. At the time of the final warning, I indicated that I expected an immediate and sustained improvement in your performance or you would be subject to termination.

Over the last two weeks, the problem areas cited in the warning letters have continued and we (your management team) have not seen any sustained improvement. Due to continued unacceptable performance, your employment with the organization is terminated effective today, June 1, 20XX.

Your final paycheck, which will include hours worked through close of business today, will also include any unused comprehensive hours.

For benefits information, please contact the Benefits Specialist in your Human Resources Department.

(Employee Signature)       (Date)                          (Manager Signature)       (Date)
February 14, 20XX

Ms. Jane Doe
1234 Attaboy Road
Somewhere, State 30322

Dear Ms. Doe:

This letter serves to confirm your absence from work on February 9, 12, and 13, 20XX without prior approval from me and without notification or explanation.

I attempted to reach you on the phone on February 9, 12, and 13, 20XX and left messages requesting you to contact me regarding your absence from work.

To date, no message has been received from you as to your intentions for continuing your employment. Thus, if I do not hear from you by 4:00 p.m. on Monday, February 26, 20XX, with an acceptable reason for your absence, your employment with the organization will be terminated due to job abandonment.

Sincerely,
Department Director Name
Title
Cc: Human Resources

NOTE: This letter is mailed certified return receipt requested by the Department Director.
QUESTIONS