
Progressive Discipline the Right Way

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Personnel actions are among managers' least favorite job duties. If you talk to librarians, you will find few who enjoy the stress, tension, and confrontation engendered by corrective actions that can become as much about interpersonal conflict as the job itself. Many managers also fear failing—that the corrective action will not succeed in correcting the issue, or worse, that the employee will somehow twist the action and win, removing the supervisor's authority and control of the situation. In some instances, when the employee requiring discipline is popular among co-workers, managers dread being labeled as cruel, tarnishing the positive relationships they have with other employees, or inciting fear among them.

However, it is unfair to other employees if a manager does not discipline a member of the staff or allows a toxic situation to continue. If a manager fails to act in time, the fallout can have far-reaching effects: lower productivity and higher risk of burnout among the nontoxic employees. Employee loss can increase by as much as 54 percent, a real financial burden considering the cost of replacing good employees.¹

KNOW YOUR LIBRARY'S POLICIES

In many libraries, each personnel type may be governed by many different personnel policies. For example, in my academic library, the hourly full- and part-time staff members are unionized and have a contract that outlines specific employee policies, the faculty are governed by their own set of policies, and administrative employees are at will. In addition, the university has an employee handbook and associated policies that must be adhered to. One can't forget about state and federal labor laws.

Beyond a library's official guidelines for its staff, it is not uncommon to find several more unwritten or unofficial policies in effect. A common unofficial policy allows hourly staff to accrue time off by reducing the time normally taken for breaks. If you wish to address this practice in a personnel action, you will need to find out if your supervisor or HR department supports the policy, if they have just looked the other way, or if they were unaware of it (this last one happens more than you might think). Depending on the response, these unofficial policies can carry as much weight as an official one. Be sure to read and fully understand the policies and the relationships among them. Disciplining an employee for an issue that is otherwise permissible by your organization is a quick way to lose credibility among your staff.

Every organization has a method by which corrective

actions are administered. The most prevalent method is progressive discipline. Performance improvement plans and positive discipline are other widely used methods. In my experience, these approaches tend to be mixed, and most common performance improvement plans are overlaid onto the progressive discipline process. In this way, managers try to make corrective actions positive, encouraging the employees to improve, rather than threaten their sense of job security. Other managers are afraid that a more emotionally laden process exposes them to greater legal risk and stick with the traditional top-down approach when administering corrective actions.

GET THE DETAILS CLEAR—DOCUMENT, DOCUMENT, DOCUMENT

No matter the approach, the first step in any discipline action is documentation. You need to have a record of observations, facts, and information. Each time you have an interaction that may need to be remembered, you should document it. The simplest method is to e-mail yourself. Include an account of the interaction in the body of the e-mail as a memo for record (MFR). By e-mailing, you create a date/time stamp of the event. Consider sending a courtesy copy to your HR department, higher administration, or board of trustees.

When writing the MFR, stick to the facts and avoid adding personal judgement of the event. Skip adjectives when you can. Instead, use language that represents the facts rather than arguable conjecture. For example, a statement like “librarian John walked into my office, slammed the door, and began screaming” could be debated over how hard the door was closed and the volume of the person’s voice. Instead, try “librarian John walked into my office and closed the door with enough force that I saw, though my door window, people flinch and turn their heads toward the door. John then began to speak loudly enough that I was later told by two people in the areas outside my office that they could hear the sound of his voice.”

It is also important to write down exactly what the other person said, or to the extent you can remember. Consider the following:

Librarian Paul was upset that staff member Jane went to Kendra with problems rather than him, Paul—that there was a chain of command. I pointed out that Kendra is Jane’s supervisor and therefore is part of the chain of command, and that since we were trying to create a nonpunitive environment perhaps it might not matter to whom Jane went. I also attempted to subtly suggest that Jane felt uncomfortable to go directly to him because of Paul’s often caustic reaction to interactions with Jane. Paul kept trying to talk about Jane’s personality and how it did not mesh with the others in the work area. I did say that Paul seemed like he did not like Jane, and that might add to the stress between

them. Paul said he liked Jane, but that she needed to learn to stay in her place.

In this case, a factual conversation was conveyed; one that might support Paul’s suggestion of insubordination or might later support Jane, if she felt that Paul’s behavior was unprofessional or aggressive.

TAKE A TEAM APPROACH: TALK TO YOUR SUPERVISOR OR HR

Issues with discipline should not be carried out in a vacuum. If you send an MFR to your supervisor, HR department, or board of trustees in addition to sending it to yourself, you should follow up your e-mail with a fuller, in-person conversation. It is useful both to get a second opinion on the situation and, most importantly, to ensure your supervisor and HR department supports any progressive discipline action you may take. Without their support, it will be difficult if not impossible to ensure any disciplinary or other HR action is successful. It also might help support your case if the employee decides (through a bargaining unit position) to appeal or to sue.

Note: some violations of the rules are so grievous that it allows the organization to skip several steps in the discipline process. Be sure to discuss with your supervisor or team any issue that you feel meets this standard before taking action.

MEET WITH THE PERSON: THE STEPS

Once you know which type of discipline process your organization uses, have made thorough enough notes, and ensured the support of your organization, you can begin to apply the appropriate discipline process. During the progressive discipline process, the steps usually include a verbal warning, a written warning, an on-the-record meeting, suspension, and dismissal.

Verbal and Written Warnings

The difference between verbal and written warnings is subtle, since a formal verbal warning, similar to a written warning, ends up as a documented step in the employee’s HR file. Most people think of the verbal warning as a first step in the discipline process, while the written is a second.

For many employees, the informal verbal warning, and the unstated but implied formal discipline that would follow, will be enough to correct the issue at hand. As it is not an official step in the progressive discipline process, you are generally not required to have the employee’s supervisor or (if necessary) a union representative there. However, it is generally a good idea to have a witness to any personnel action. The witness should be a higher-ranked individual if possible; do not use one of the employee’s peers. You will

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want to keep the conversation neutral. Start by explaining why you are there. Mention that it is not an official action but that you want to provide the employee an opportunity to know what they are doing that needs to be corrected and provide a timeframe to correct the action. As in the MFR, keep to the facts. Do not allow the conversation to wander into ad hominem attacks, neither by you nor by anyone else in the room. Such actions degrade the impact of the meeting and, if made by you or the supervisor, could make it more difficult to pursue further action. (In fact, such comments could make you the subject of corrective actions.) You can also take the opportunity to engage in a productive discussion on how the employee can learn from the experience and get back on track. In my experience, a productive conversation like this often results with the employee improving their performance. It gives the employee the opportunity to feel they are part of a team that cares about them. A summary of the conversation made during an informal verbal warning will not be included in the employee's personnel record, but a summary of the meeting (much like an MFR but written for the employee) should be written and e-mailed to the employee, and if appropriate, the supervisor.

On the Record

An on-the-record meeting will result in a summary of that meeting being included in the employee's permanent record. No meeting should be carried out without a third party in the room. It can lead to disagreements on what was said or how it was conveyed. In this case, the organization's personnel documents (employee handbook, contract, or guide) should be consulted as to who should be there: either the supervisor, a union representative, or the like.

As with verbal warnings, you should begin the meeting by explaining why you are there, providing the background to the action. You will then outline the disciplinary actions taken prior to the meeting (informal or formal actions, e-mails, etc.). Most likely, a performance improvement plan will be included as part of this meeting. The plan should include specific actions and measurable, achievable outcomes that the employee can follow to get back on track. Provide an opportunity for the employee to provide input. Sometimes this can be very helpful, and sometimes not. From the employee's response, you can determine if further supervision or training may be needed to help remediate the issue. Follow the meeting with a written notification of the personnel action and a notice of when you will meet again to reassess the issue and the required changes outlined in the performance improvement plan. If the employee fails to meet the standards set out in the plan, you have reason to move forward in the discipline process.

Suspension

Suspension is the final stage in the process before terminating the employee. During this step, the employee neither

works nor receives pay, and this step hopefully acts as a wake-up call for the employee to recognize that changes must be made or loss of employment is imminent. As in other stages, a meeting should occur which outlines the prior steps taken to address the issue or issues. Sometimes suspension is taken immediately after the meeting, but this is not always required. Under certain circumstances, suspension days can be planned in advance. As with other formal actions, a formal notification must be delivered to the employee, supervisor, or union (if needed), and this document should be added to their permanent file.

Termination

If none of the above is sufficient to correct the employee's behavior, then termination is the next step. If you have been following the above steps, giving the employee opportunities to improve, and advising them when they are not improving, then this final step should not be a surprise to the employee. Arrive for this meeting prepared with the termination letter, and someone to escort the employee back to his or her desk to collect their things and then escort them off the premises. As in previous meetings, check your emotions at the door. Don't bother with should have or could have; the time for that is past. Be ready to listen to the employee's comments, as they may help you stave off legal action by the employee. Either you or your HR department should have administrative information ready on last paychecks, leftover leave, etc. Don't forget to collect keys, IDs, and work in advance with your IT staff or department in advance to ensure network/system access ends directly after the meeting.

FINAL THOUGHTS

Discipline and termination are not easy to carry out and many managers avoid taking action due to confronting and managing their own personal stress about the situation. Allowing a single employee to have the rules reshaped or ignored creates resentment among those who do not get "preferential" treatment. Additionally, employees that do follow the rules may choose to leave in pursuit of a fairer or less toxic work environment. Overall, creating a fair work environment will, in the long run, help engender more loyal employees. Preparing and following the above steps—knowing your policies, ensuring your higher ups are supportive, preparing thoroughly before meetings, sticking to the facts, and not getting emotional—may help to bridge the gap between knowing the right action and performing it.

For more information:

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853–54. A brief essay that cogently makes the case for why managers must not ignore personnel issues.

Cech, Erin A., and Lindsey Trimble O'Connor. 2017. "Like Second-Hand Smoke: The Toxic Effect of Workplace Flexibility Bias for Workers' Health." *Community, Work & Family* 20, no. 5: 543. A thought-provoking review of the fallout that results from a "one-size-fits-all" approach to fairness in the workplace.

Grote, Dick. "A Step-by-Step Guide to Firing Someone." *Harvard Business Review*. February 17, 2016. <https://hbr.org/2016/02/a-step-by-step-guide-to-firing-someone>. This useful overview deals principally with the actual termination, rather than the process leading up to it.

Reference

1. "New Research Exposes the Hidden Costs of 'Toxic Employees.'" Cornerstone OnDemand, March 31, 2015, <https://www.cornerstoneondemand.com/company/news/press-releases/new-research-exposes-hidden-costs-toxic-employees>.