Addressing Performance Problems: The Discipline Process
Module Overview

Purpose
This module will cover assessing performance problems and reviewing the discipline process and will also explore the supervisor’s responsibility, and available resources.

Learning Objectives
Through lecture, discussion and activities, participants will be able to:

- Recognize UM’s principles of consistency and due process in applying discipline
- Understand the steps to be used in determining appropriate disciplinary responses.

Agenda

I. Linking performance expectations to discipline
II. Identify the Source of the Problem
   - Ability and Willingness
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Case Studies

The case studies included here are provided to allow you to test your knowledge about handling misconduct issues without risk or penalty. In working through each case, please be sure to refer to Written Standard–Misconduct, the Checklist for Classifying Discipline and Written Communication Guidelines for Supervisors. The case studies are for:

1. Unsatisfactory Work Performance
2. Violation of Work Rules
3. Sleeping in the Job
4. Abusive Language and Gestures
5. Misconduct
6. Refusal of a Work Assignment
7. Unexcused Absenteeism

Questions are provided after each incident to help you respond to each situation. Then read the correct responses provided at the end of this section.

See also “The UMHS Supervisor’s Guide to Discipline”
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Case Study 2

Your laboratory assistant has worked in the lab for approximately two years and performed satisfactorily. Recently, his work habits have become a major concern of the staff. Concerns include unwashed glassware; supplies not ordered and increased broken glassware. Today, you found that toxic chemicals were not stored properly last evening. As a precaution, the area was vacated for 30 minutes to ventilate the lab. Safety rules were discussed and have been followed in the past.

1. What's going on?

2. What would you address first?

3. What conversation do you have with the research assistant?
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## The Supervisor’s Rights & Responsibilities... A Balancing Act

<table>
<thead>
<tr>
<th>Supervisory Responsibilities</th>
<th>Supervisory Rights</th>
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<tbody>
<tr>
<td>Determine the work to be done and the minimal competencies needed to successfully perform the work</td>
<td>Change the minimum level of competencies to meet objective operational needs</td>
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<tr>
<td>Determine the necessary qualifications of those who will perform work in your unit</td>
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<tr>
<td>Determine the performance expectations for each staff member</td>
<td>Periodically assess performance expectations to ensure that they remain current</td>
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<td>Assure that employees are capable of performing their assigned work</td>
<td>Develop objective mechanisms to assess performance contributions</td>
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<td>Assure that employees have the tools and resources needed to perform the job</td>
<td>Determine staffing levels, work methods, process and means by which the work will be performed</td>
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<tr>
<td>Be fair, be consistent and treat employees equitably in all situations</td>
<td>Establish and change work schedules and hours of operation as needed</td>
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<td>Set work expectations in accordance with SPG’s, labor agreements and laws</td>
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<tr>
<td>Determine individual staff assignments</td>
<td>Change individual staff assignments as required based upon operational needs</td>
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<td>Assure that positions are appropriately classified</td>
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<tr>
<td>Assign work fairly in accordance with position descriptions</td>
<td>Change or introduce new operations, methods, and processes</td>
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<tr>
<td>Use facts and data to support operational changes while facilitating staff input</td>
<td>Establish and change work schedules and hours of work</td>
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<td>Be responsive to individual needs and facilitate individual growth</td>
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<tr>
<td>Follow established performance management processes and let employees know where they stand on a timely basis</td>
<td>Provide employee feedback and explanations when work is not performed in accordance with expectations Following HR review, discipline, suspend and discharge employees as required</td>
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<td>Evaluate yourself! Routinely perform a self assessment of personal or situational biases. Treat all staff “Equitably”!</td>
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Ability and Willingness Assessment

What is it?
The ability and willingness assessment is a method of determining whether a staff member is able and willing to achieve the performance expectation. “Ability” means that the staff person has been observed demonstrating the knowledge, skill and capacity to achieve the performance expectation. “Willingness” means that he/she has demonstrated the confidence, motivation and commitment to achieve the performance expectation.

Why Use It?
This process clarifies whether or not a staff member is able and willing, unable and willing, able and unwilling, or unable and unwilling to perform specific expectations.

When Should I Use It?
When you need to determine the appropriate process to develop the staff member’s capacity to perform.

How Do I Use It?
Ask the following questions on the grid:

- Is the staff member able and willing to achieve the performance expectation?
- Has the staff member previously demonstrated a capacity to perform the task?
- Has the staff member never demonstrated capacity?

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<thead>
<tr>
<th>WILLING</th>
<th>UNABLE</th>
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<tbody>
<tr>
<td>ABLE</td>
<td>UNABLE</td>
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<tr>
<td>Periodically assess, recognize, develop, mentor, reward as appropriate</td>
<td>Coach, evaluate, determine area of skill deficit, develop (re-train)</td>
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<tr>
<td>WILLING</td>
<td>UNWILLING</td>
</tr>
<tr>
<td>Coach, review performance expectations, consider discipline as appropriate</td>
<td>Coach, evaluate, determine area of skills deficit, develop, counsel, clearly communicate and set expectations, assess improvement, document inability and timeline for further review</td>
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 Toolkit
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Top Ten Standard Practice Guides (SPG’S) / Policies Requested by Departments

The SPG is located online at: http://spg.umich.edu/

Topics of interest can be located in the Table of Contents or by performing a SEARCH

1. Discipline (Performance and Conduct Standards)
2. Holidays
3. Leaves of Absence
4. On-Call Pay
5. Overtime
6. Temporary Employment
7. Tuition Refund
8. Reduction-in-Force
9. Promotional, Lateral, Transfer and Demotional
10. (PTO) Paid Time Off
## Case Study Answers

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<tr>
<th>Case Study</th>
<th>Description</th>
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<td><strong>1 – Unsatisfactory Work Performance</strong></td>
<td>The next step in progressive discipline is a 1-day DLO, which can be time away from work or only on paper. Explore other factors that may have impacted her behavior and work performance. A referral to EAP may be appropriate. In addition, staff should limit personal telephone calls to breaks and lunch periods.</td>
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<td><strong>2 – Violation of Work rules</strong></td>
<td>Given the potential impact on the health of others in the lab, a written warning is appropriate. (If the performance issues continue, it will be necessary to address these concerns as well.) A referral to EAP should be considered.</td>
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<td><strong>3 – Sleeping on the Job</strong></td>
<td>Depending upon your assessment of why the sleeping occurred, you could provide a documentation of a verbal warning, up to a DLO for the first offense. Either a DLO or discharge for the second offense.</td>
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<td><strong>4 – Abusive Language and Gestures</strong></td>
<td>The language used was extremely inappropriate. If the policy on harassment and discrimination has not been discussed with staff in the past, it should be discussed at this time. Reinforce that this type of language is not appropriate and should stop immediately. If this behavior recurs, disciplinary action should be taken. If staff have been informed of the harassment policy, a written warning or layoff may be given on the first offense given the severity of the offense. Aggravating circumstances may warrant discharge on the first offense.</td>
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<td><strong>5 – Misconduct</strong></td>
<td>A 3-day DLO given because the sleeping incident was aggravated by her subsequent conduct. In addition, she was docked one (1) hour- UET for sleeping.</td>
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<tr>
<td><strong>6 – Refusal of a Work Assignment</strong></td>
<td>A 1-day DLO is appropriate as you did inform the employee that disciplinary action would be taken if he did not go into the office to talk with you. The previous DLO was given more than two years ago and cannot be used as a basis for greater discipline.</td>
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<tr>
<td><strong>7 – Unexcused Absenteeism (Non-PTO Only)</strong></td>
<td>The pattern of absences from work has continued, with three incidents within two weeks. A 2-day DLO should be given unless there are mitigating circumstances.</td>
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Glossary of Terms

**Aggravating Circumstances:** Issues or events surrounding an occurrence that may increase the level of disciplinary activity taken.

**Counseling:** Communications with an employee indicating areas of concern that need improvement: not documented as a disciplinary action, but if correction does not take place, counseling provides the basis for future disciplinary action.

**Critical Incident:** An occurrence of serious misconduct, which may warrant immediate disciplinary action.

**Discharge:** Termination from employment for misconduct or other disciplinary matters that is initiated by the employer.

**Disciplinary Layoff:** (DLO) Disciplinary time off from work without pay. The intent is to give the employee time to consider the importance of his/her job and take steps to correct the misconduct. Disciplinary Layoffs can range from the remainder of the shift to several days.

**Disciplinary Review Conference:** A formal meeting, which provides an opportunity for fact-finding, with an employee when discharge is contemplated.

**Discipline:** A formal action initiated by a supervisor in response to problematic behaviors of an employee.

**Misconduct:** Performance, conduct, or behavior that interferes with the operation of the University. This includes violation of rules or unsatisfactory work performance not caused by a lack of capacity or ability.

**Mitigating Circumstances:** Events or issues surrounding an occurrence that may decrease the level of disciplinary action taken.

**Oral Warning:** The first step in formal discipline. This is an oral statement to the employee by the supervisor concerning the misconduct and the expected change in behavior.

**Paper Layoff:** A disciplinary letter given to an employee in lieu of a disciplinary layoff. A paper layoff may be appropriate when a DLO would adversely affect staffing and/or unit operations, or where disciplinary time off would reinforce rather than correct the inappropriate behavior.

**Probationary Employee:** A regular employee who has not completed the probationary period.

**Progressive Discipline:** Steps of increasing severity taken to correct employee misconduct.
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**Suspension:** The interruption of active employment and the stopping of pay pending a decision about the extent of disciplinary action (if any) to be taken.

**Temporary Employee:** An employee who is hired for irregular, sporadic, or casual work.

**Termination:** Generic term for the ending of employment for any reason at the initiative of the employee or the University. A misconduct termination is usually referred to as a discharge.

**Written Warning:** A written statement to the employee concerning the misconduct, the expected change in behavior, and future action to be taken if the behavior is not corrected.