

## **HUMAN RESOURCES**

### ***Performance Management: Positive Discipline Process Employee Counseling or Action Summary Information***

Performance Management is a cyclical process a supervisor uses to help employees succeed. Performance evaluation and progressive discipline are components of the overall process of performance management. The following guidelines and the *Employee Counseling/Action Form* are provided to assist supervisors and managers as they establish and evaluate employee performance and behavior.

Section 3.22 of the Staff Handbook promotes positive discipline as follows: The University employment policy is designed to give each employee a full opportunity for work success...by taking a positive approach toward employee discipline...Disciplinary action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance and achieve success. When problems occur, they should be handled in reasonable ways that jointly support the concept of positive discipline and minimize the interruption of university services.

The attached form may be used as a note to document single incidents, as a formalized notice, or as a guide from which a formal memo is written. The form is designed to assist the supervisor with describing the facts of an incident or behavior, set specific, measureable, attainable objectives, offer solutions to help the employee succeed, and describe the action that will be taken if the employee does not meet the objectives. The following points are provided as answers to frequently asked questions:

Provide the original signed copy of the document to the employee and keep a copy for your files after the employee signs your copy. Contact a Human Resources Employee Relations Representative before taking any actions that will result in the termination of employment. Terminations of employees shall be reviewed by the appropriate executive officer or his or her designated administrative officer before becoming final. Norman: 405-325-5594 or 5523. Fax 405-325-3727. HSC: 405-271-2191. Tulsa: 918-660-3193.

1. How should I use this form?  
The attached form may be used as a note to document single incidents, as a formalized notice, or as a guide from which a formal memo is written. The form is designed to assist the manager/supervisor with describing the facts of an incident or behavior, set specific, measureable, attainable objectives, to offer solutions to help the employee succeed, and to describe the action that will be taken if the employee does not meet the objectives.
2. Who needs to approve a disciplinary action?  
Terminations of employees shall be reviewed by the appropriate executive officer or his or her designated administrative officer before becoming final. Benefits eligible employee's, who have more than five years of service, personnel actions must be reviewed by Human Resources. In all other instances, follow the department's normal approval process for personnel actions.

3. Who receives a copy?  
The form or memo is written to the employee. The employee receives the original. The employee should sign s/he has received the memo signed by the supervisor or manager. Keep a copy for your files. HR usually receives a copy once the action is considered a disciplinary warning and not a note to a file, a friendly reminder, or other action used for documenting but falls short of a warning.
4. Can I change this form?  
This form may be changed to suit the situation. Explain to the employee what step of counseling or discipline is being administered. Not every incident is cause for discipline. Supervisors also have the responsibility to coach, counsel, and provide feedback to employees as necessary before entering discipline.
5. What is HR's role in discipline?  
HR works in the best interest of the University, the supervisor, and the employee. HR provides alternate dispute resolution and welcomes both supervisors and employees the opportunity to discuss issues in the workplace. No employee should be chastised or retaliated against for contacting HR with employee relations issues.
6. When should I involve HR in a discipline process?  
Usually HR is notified when the action taken is disciplinary or other serious or major violation. Prior to HR's involvement, all facts should be collected:
  - a. Both sides of the story have been told and documented.
  - b. If there are issues of leave/time and attendance, insure the leave does not discriminate against the person's right to FMLA, scheduled time off, Worker's Comp, ADA, or Extended Sick Leave.
  - c. The disciplinary action fits the behavior.
  - d. Treatment/discipline of this behavior is equal to past offenses of others.
  - e. If it is a rule violation, make sure the rule is known by the employee(s) and you can document the employee's knowledge of the rule.
2. What is Decision Making Leave (DML)?  
Once a person reaches the step of DML, supervisors should involve HR. DML is the final step in progressive discipline. There should be no other chances once DML is determined. Be certain that this is the correct next step in the process. Either the person returns from DML and does his/her job or they are terminated. This time off, may or may not be with pay. Some departments allow the employees to use his/her paid leave during this suspension; while others choose leave without pay. Most important is that the employee understands this action is quite serious and the only opportunity to keep the job is to correct the performance or behavior.
3. How many warnings does an employee receive before receiving Decision Making Leave (DML)?  
A person may or may not receive warnings before DML. A person may receive several oral or written warnings before DML. The number of counselings or actions prior to entering discipline depends on the degree of inappropriate behavior or

performance. The positive and progressive discipline process is a guideline, not an entitlement to due process.

4. What is the difference in coaching or counseling and warnings?  
There can be many coaching, counseling, or feedback sessions with an employee. These are documented as a note to a file, for example: *3/1/XX, met with Jane, late 3 times this week, told her to be at work and engaged by 8 AM.* The employee may or may not receive a copy of this note.

Once discipline is decided, explain the difference. For example: *you and I have had X discussions about your time and attendance. You continue to violate the policy and this action is disciplinary. This is an oral warning...* Oral warnings are usually retained in the department file. Oral warnings should be documented and signed by the employee and written warnings should be communicated in person to the employee.

Employees may receive one or many oral and written warnings. Written warnings should be considered serious and a copy should be signed by the employee and the supervisor and sent to the person's personnel file in HR. Academic areas on Norman Campus must send a copy to Dr. Mergler.

5. Who can review my memos?  
Employee Relations ER or HSC Business Partners assist with any oral or written communication or documentation. Written warnings should be reviewed by HR to assure the language states the facts, objectives, solutions and actions of the discipline. Contact the ER office on your campus.

**NOTE:**

All terminations must have the appropriate Termination Checklist completed. The employee receives a copy and the department must keep the original in the departmental file for auditing purposes. Departments may also send the document along with the termination memo. The document is located on the web at <http://www.hr.ou.edu/> under Documents and Forms.

## Employee Counseling/Action Summary (Sample)

Date of violation:			
EmplID:	Employee Name:		
Department ID:	Supervisor(s):	Phone:	
Is the employee in a probationary period? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of Hire:			
Is the employee in a temporary appointment? <input type="checkbox"/> Yes <input type="checkbox"/> No Job Title:			
Is the employee a student? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Have there been previous warnings? <input type="checkbox"/> Yes <input type="checkbox"/> No		Check all that apply.
Coaching or Disciplinary Action	Date(s)	Briefly describe the nature of the inappropriate behavior or performance.
<input type="checkbox"/> Coaching/Counseling		
<input type="checkbox"/> Verbal warning		
<input type="checkbox"/> Written warning*		
<input type="checkbox"/> Decision making leave*		
<input type="checkbox"/> Termination*		
* NOTE: Employee Relations is available to review written documentation.		

<b>Nature of the current violation. Provide the facts below in description of violation.</b>			
<input type="checkbox"/> Substandard Work	<input type="checkbox"/> Time and Attendance	<input type="checkbox"/> Carelessness	<input type="checkbox"/> Absenteeism
<input type="checkbox"/> Insubordination	<input type="checkbox"/> Harassing/Discriminatory/Bullying	<input type="checkbox"/> Violence	<input type="checkbox"/> Theft
<input type="checkbox"/> Inappropriate Conduct	<input type="checkbox"/> Customer Service	<input type="checkbox"/> Dishonesty	<input type="checkbox"/> Other
<b>Describe the violation (who was involved, what happened, and when did it occur):</b>			

<b>Objectives</b> – What performance or behavior do you expect and within what timeframe?
<b>Solutions</b> - What has been done to help the employee succeed?
<b>Actions</b> - What actions will be taken if the above objectives are not met? In addition to your actions for the specific situation, this section normally contains the following statement: <i>"I know you can succeed in correcting your behavior; however, future violations will result in further disciplinary action(s) up to and including termination."</i>

Employee's comments should only address the facts of the incident. (attach sheet if needed)	
<b>NOTE:</b> <i>Your signature indicates that you have received this information.</i>	
Employee's Signature:	Date:
Supervisor's Signature:	Date:
<b>NOTE:</b> <i>Your signature indicates the supervisor had this conversation and provided the employee a copy of the documentation:</i> Witness Signature:	
<b>C:</b> Copy the appropriate VP or Provost Norman Campus: Dr. Mergler is always copied Copy the Dean, Director, or Chair Copy any other appropriate person who should be notified If this is a written warning or other serious incident, HR must receive a copy	