If you have a problem employee, you’ll want to take extra steps to help the person improve performance. That may make more economic sense than terminating the person and training a replacement. There are times, though, when you may face an employee whose problems are unmanageable, and stronger action is needed.

Discipline, though inevitable, is one of a manager’s most difficult and stressful responsibilities. In Out of Crisis, quality management guru W. Edwards Deming wrote, “People can face almost any problem except the problems of people. Faced with problems with people, management will go into a state of paralysis.”

When coaching and counseling fail, no matter how difficult, the manager must initiate disciplinary action.

No surprises

A pink slip for poor performance should never come from out of the blue. That’s why most organizations use progressive degrees of discipline. This gives the employee the opportunity to correct his or her performance. Progressive corrective actions, or warning steps, serve 3 purposes:

• positive reinforcement—the manager and staff member engage in joint problem solving to gain early correction of employee misconduct
• documentation to show “just cause” in case the employee must be terminated
• a warning to the employee of further repercussions if undesirable behaviors or actions continue.

There is no set standard for how many oral warnings must be given prior to a written warning or how many written warnings must precede termination. Factors to consider are:

• how many different offenses are involved
• the seriousness of the offense
• the time interval and employee response to prior disciplinary action
• the employees’ previous work history.

In general, the steps consist of several oral warnings, followed at the next infraction by a written warning, followed at the next infraction by termination. This is especially true in cases where the time between offenses is short, and the employee demonstrates a lack of desire to improve performance.

Most health care organizations have defined disciplinary procedures to protect employees’ rights from arbitrary dismissal and lack of feedback. Consult your organization’s disciplinary process before initiating action.

Using positive discipline

A model known as “positive discipline” emphasizes giving staff reminders rather than reprimands or warnings. Positive discipline uses a 3-step process.

Step 1

The manager and employee meet to discuss a solution to the employee’s performance problem. The outcome is the employee’s oral agreement to improve performance. At this first meeting, refrain from reprimanding the employee or threatening further disciplinary action. After the meeting, use your notes to write a memo or other documentation that summarizes the conversation. A written record of this first conference may not be placed in the employee’s personnel file, but keep the notes in your own files. Here’s an example of verbal reminder documentation:
“I talked to [employee] today about her attendance record and gave her a verbal reminder. Since July 1, [employee] has been absent from work on 12 occasions for a total of 17 days. [The employee] response was, ‘You can’t make people work when they are sick,’ and she argued about the verbal reminder. I told her that she could request a medical leave of absence if she needed it, but that I expected her to be here every day unless a doctor says otherwise.”

[Signature]
[Date]

Step 2
If the performance problems continue, schedule another meeting with the employee to discuss the cause of the continued problems. Jointly determine why the solution agreed upon during the first meeting did not work. Give the employee a written reminder stating the new or repeated solution to the problem. Place a copy in the employee’s file. You may also ask the employee to sign an affirmation acknowledging responsibility for improving performance, with the understanding that this is a condition of continued employment. After this meeting, you will want to make some documentation based on your notes.

Use the checklists on page 22 to make sure you include everything you need in your documentation. Any manager who has been accused of wrongful termination by an employee will tell you how important documentation is to supporting the manager’s decision.

Step 3
This step occurs if the second manager-employee conference fails to produce the desired result. At this point, some organizations give the employee a paid 1-day decision-making leave, during which the employee is asked to decide whether he or she wants to continue working for the facility. Employees are instructed to return the following day with a decision—either commit to improving their performance or resign. If no commitment is made, then the employee is terminated. Another option is suspension with pay for a stated period, depending on the policies of your organization.

At this point, it is not uncommon for an employee to resign just as you are ready to discharge the person. This is not just a way for the employee to save face, but also a way to avoid a nasty confrontation and an employment record that includes a termination. If the staff member does not resign, and you’ve established that verbal and written reminders haven’t brought about a change in conduct, the employee should be terminated without additional reminders. In most organizations, when an employee is discharged as the final step after warning notices have been given for an accumulation of infractions, the employee is terminated for cause instead of being given the option to resign, be laid off, or retire. The steps of positive discipline are summarized in the sidebar.

Contending with nonperformers
It is often easier to deal with employee behavior problems than performance problems. Staff members who are disruptive, break key rules or standards, or hide their mistakes, often make a manager so angry that disciplinary action becomes easier. Still, it is best to start with discussions and attempts to resolve the matter before pulling the plug entirely. I’ve had to fire employees in my career as a manager, and I’ve always found the behavior problems easier to deal with. Firing someone for poor performance, even after counseling, reviews, and warnings, is never easy. But if you cannot bring yourself to terminate somebody who can’t or won’t perform up to expectations, then management is not for you because it goes with the territory.

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Documentation checklist

Verbal reminder
Be sure that all verbal reminders are documented in writing. They are a building block to more formal reminders in the future. All documentation should include:
• the employee’s name
• the date of the verbal reminder
• the specific offense or rule violation
• a specific statement of the expected performance
• any explanation given by the employee or other information that is significant.

Written reminder
A written reminder is more serious than a verbal reminder and represents a progression in the discipline process. When documenting a written reminder, include:
• the employee’s name
• the date of the conversation
• the specific offense or rule violation
• references to previous conversations and verbal reminders about the problem
• a specific statement of the expected performance
• any explanation given by the employee or other information that is significant
• a statement indicating your confidence in the employee’s ability to perform properly in the future
• the employee’s signature (if the employee refuses, include a note on the signature line indicating your attempt to get the employee to sign and his/her refusal to do so).

Steps in positive discipline

Step 1
• Give the employee a verbal explanation of the errant behavior.
• Reiterate your department’s performance standards regarding that behavior.
• Advise the employee of the consequences of further infractions of the standards in question.
• If no further problems occur with the issue raised at the verbal reminder stage, no further disciplinary action needs to be taken.

Step 2
If the problem persists:
• Give the employee a written explanation of the errant behavior.
• Reiterate your department’s performance standards regarding that behavior.
• Advise the employee that if the problem continues, the employee will be suspended or terminated.
• As before, give the employee an opportunity to change the unwanted behavior.
  If the behavior does not recur, no further disciplinary action is taken.

Step 3
If verbal and written reminders fail to bring about a change in the undesired conduct, the employee is suspended or immediately terminated without additional reminders.