Confronting & Coaching the Problem Employee

What We Will Cover

• Tips to confront
• Importance of effective listening
• Coaching process
• Coaching performance versus behavior
• Where it goes next

Montana WDEA

• Montana is the only state to have a wrongful termination statute
• Balances interests between employer & employee
• Good thing
  – Limits damages to 4 years lost wages & fringe benefits
  – Employee has duty to mitigate
  – Generally no right to damages for pain & suffering, emotional distress, compensatory damages, punitive damages, or any other form of damages
Due Process:

How to Establish Good Cause

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Due Process

NOTICE

Did the company give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequence of the employee's conduct?

– “Unless your performance/behavior is improved, it will lead to disciplinary action, up to and including termination.”

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Due Process

EQUAL TREATMENT

Has the company applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?

– Was the bad employee treated the same as the good employee?
Confronting the Employee

- **Consistency is very important.**
- **Supervisors are responsible for the ongoing assessment of employee non-performance and conduct.**
- **Many supervisors neglect this responsibility until the annual performance review.**

Confronting the Employee

- **Successful supervisors take immediate action when an employee begins to exhibit symptoms indicating poor job performance or inappropriate conduct.**
- **Successful management will provide their employees with Expectations on a regular basis, and hold them Accountable to those Expectations.**

Tips on Confronting Employee

- **Listen Attentively, Reflectively**
  - Give the other person a chance to tell his or her side of the conflict completely
  - Relax and listen
  - Don’t be mentally preparing your rebuttal
  - Use all of your active conflict listening skills, handling emotions, empathizing, asking clarifying questions and rephrasing
  - Notice that your body language speaks to your attentiveness as well as your words
Tips on Confronting Employee

● Talk directly
  – Assuming that there is no threat of violence, talk directly to the person with whom you have a problem
  – Direct conversation is much more effective than sniping, sending a nasty letter, banging on the wall, throwing a rock, yelling across the hall or complaining to everyone else

Tips on Confronting Employee

● Choose a good time
  – Plan the right time and allow yourselves enough time for a thorough discussion
  – Don’t start talking about the conflict just as the other person is leaving work, after you have had a terrible day, or right before you have to go to a meeting
  – Try to talk in a quiet place

Tips on Confronting Employee

● Plan ahead, be specific
  – Think out what you want to say ahead of time
  – Ask yourself what it is, specifically, that bothers you and why, but don’t decide on the “perfect solution” before you have heard from the other person
  – State clearly what the problem is and how it affects you
Tips on Confronting Employee

• Don’t blame or name call
  – Antagonizing the other person only makes it harder for him or her to hear you
  – Don’t blame the other person for everything; don’t say “you never...” or “you always...”
  – Don’t begin the conversation with your opinion of what should be done

• Don’t attach motives to behavior of others
  – Don’t interpret the other person’s behavior:
    • “You are screwing up by doing x-y-z on purpose just to make me mad!”
  – Instead, give information about your own feelings:
    • “When you do x-y-z, I get mad because I can’t get my work done on time.”

• Be appropriately assertive, hit all the points
  – Once you start, get all of the issues and feelings out in the open
  – Don’t leave out the part that seems too “difficult” to discuss or too “insignificant” to be important
Tips on Confronting Employee

- **Work on the solutions**
  - When you have reached this point in the discussion, start working on a solution that will work for both of you.
  - Two or more people cooperating to solve a common problem are much more effective than is one person telling another to change.

Tips on Confronting Employee

- **Respect confidentiality**
  - You, as the leader, must not pass on any confidential information about this conflict or incident.
  - If the word gets out, let it not be from you! Loose lips sink ships.

Tips on Confronting Employee

- **Speak the “language of grace”**
  - Use “I” or “we” language rather than “you” wording that can be blaming.
  - Let go of words like “but,” “however” and “although” that can be erasers of appreciations.
  - Instead, use such words as “and even better next time” to join thoughts together in a positive fashion.
Tips on Confronting Employee

● **Stop the rumor mill!**
  – Bullies, if not hearing “stop it” or “no” to their character assassination efforts, hear “yes” and will keep spreading the attitude virus amongst your employees
  – Take action! Remember, too, the adage that “if you can’t say it to me, don’t say it about me.”

Tips on Confronting Employee

● **Follow through**
  – Agree to check with each other at specific times, such as in a week or a month, to see if the solutions that have been agreed upon are working or need fine-tuning

Performance or Behavior Issues Start, Now What?
When to Coach

- Employee begins to exhibit behavioral or performance issues
- Open dialogue with employee
- Discuss issues
  - Specific observed behaviors/performance
- Set expectations
- Document these meetings
- Follow-up for accountability

- NOTE: This is not discipline

Coaching Process

- KEY: Consistency & Follow-Up

- Scenario A: Employee shows improvement
  - Praise for improvement
  - Clarify previous expectations
  - Schedule follow-up meeting

- Document this discussion

- Scenario B: Employee fails to meet expectations
  - Discuss shortfalls
  - Clarify and reset expectations
  - Schedule follow-up meeting

- Document this discussion
Coaching is…

- In general, helping someone else expand and apply his/her skills, knowledge, and abilities.

- For our discussion, coaching is defined as helping others succeed through guiding, teaching, motivating, and mentoring.

Coach as Guide

- Defining “success”
- Creating a vision of the future
- Setting goals
- Action planning
- Evaluating progress

Coach as Teacher

- Transferring knowledge
- Transferring ability to perform a task
- Transferring a skill
Coach as Motivator

- Helping the person find meaning in his or her role/task/assignment
- Building confidence
- Identifying reinforcing consequences

Coach as Mentor

- Enabling the person to effectively utilize his/her personal traits and skills in the context of organizational realities.

A Successful Coaching Engagement…

- Clearly defines the scope and expected results of the coaching engagement.
- Aligns expectations between the coach and the person being coached.
From Coaching to Discipline

- Adequate opportunity has been given to employee to correct behavior or improve performance
- Improvement does not consistently meet expectations
- Coaching documentation becomes what you use to start the discipline documentation

Keys to Documenting Effectively

- Clarify and confirm your facts prior to sharing documentation with an employee
- Make effective use of your calendar to document
- Emphasize any statements where the employee admits to failing to meet the stated expectations

Keys to Documenting Effectively

- Be specific relative to dates, times, observations, etc. – this is where your coaching notes will be helpful
- Documented information should be typewritten; it is neater than most handwriting
- Make sure documentation is put in employee’s personnel file
Common Mistakes When Disciplining

- Overreact, react in anger, react in haste before gathering facts, react to effects, not to causes, being over emotional.
- Name calling, abusive reactions, attacking the individual in degrading manner, forgetting the other person’s dignity. (Don’t scratch their self-respect).
- Trying to punish or retaliate, as if something personal against us had been done by the individual.

Common Mistakes When Disciplining

- Make a big show out of the discipline, rather than disciplining in private.
- Inconsistent, overreaction to this incident, but overlooked similar instances in the past
- Failure to listen, (get the other person’s side of the story).
- Lose perspective, fail to see big picture. (Remember extenuating circumstances).

Common Mistakes in Disciplining

- Treating different than others under nearly identical conditions.
- Gathering information to support an accusation or an assumption rather than gathering facts to make a decision.
- Attempting to prove “who’s wrong” rather than attempting to discover “what’s wrong.”
Documentation is Important

1. Continually document how the employee is progressing toward performance goals.
2. Document performance problems, and support appropriate discipline.
3. Document like you are preparing for a court case.
4. Prepare for the next dialogue with the employee.

Questions? Comments?

406.248.6178
www.associatedemployers.org
Bryan@aehr.org