One of your goals as a manager is to help ensure that employees are successful in their jobs. To that end, you work to ensure that employees:

- Know what their job is.
- Understand what it takes to be successful in the job.
- Understand what the consequences are if expectations are not met.
- Have the skills and tools to fulfill the requirements of their job.

The performance of most of your employees meets expectations. There are times, however, when an employee's job performance or behavior falls short of meeting expectations. For these situations, you can use the progressive discipline process to help get the employee on track - or, if necessary, to terminate employment.

**The Process of Progressive Discipline**

The progressive discipline process provides defined steps to take when an employee's performance is not meeting job requirements. The progressive steps include:

- An oral warning.
- A written warning.
- A decision-making suspense, which may be paid or unpaid.
- Termination, if needed.

*Some policies will also include an optional step of demotion before termination.*

The intent is to help an employee improve his or her performance and be successful on the job. If the employee cannot or will not meet performance requirements, the process concludes with termination. With its focus on a systematic process to provide the employee with clear documentation about his or her performance, expectations, and consequences, the progressive disciplinary process also helps minimize legal risk to the business operation.

**If you ignore the problem:**

- The performance problems persist; they simply do not go away by themselves.
- The poor performance can possibly create risks for the operation, including health and safety risks, and legal risks.
- One person's poor performance can affect the entire team's performance, and will likely create morale issues as high-performing employees get tired of doing extra work or dealing with substandard performance.

So, even though disciplining employees can be uncomfortable, effective managers deal with performance problems as soon as possible to get the employee back on track.
The Manager’s Role in the Process

A manager is expected to:

- Follow the company’s policies and procedures on the disciplinary process.
- Provide training on job policies and procedures to help the employee improve.
- Deliver clear, understandable documentation during each of the process steps.
- Notify and work with your human resources department or legal counsel as you progress through the steps.

Conducting the Oral Warning

1. Manager presents situation clearly and specifically.
2. Manager explains importance of correcting the problem.
3. Manager then asks for employee input, because meeting standards is the employee’s responsibility.
4. Manager listens to employee’s answer and then responds, reinforcing what the employee needs to commit to.
5. Manager identifies follow-up actions.

Sample Oral Warning Conversation

1. **Manager presents situation clearly and specifically.**
   “Eric, I want to talk with you this morning about a recent problem with your work that we need to address. Based on the records from your team lead, on November 6, 9, 10, 14 and 17 you didn’t move the sow cards along with the sows when moving them to breeding. Your team lead caught the error, and then you moved the cards.”

2. **Manager explains importance of correcting the problem.**
   “This failure to complete the task is a serious concern because it leads to poor record keeping. Also, double checking your work takes extra time for your lead.”

3. **Manager then asks for employee’s input.**
   “Eric, since you’ve performed this task correctly in the past, can you tell me what’s happened recently so that you have not completed the task properly?”

4. **Manager then listens to employee’s answer and responds.**
   Hurrying this process and forgetting the cards in the end takes much longer and puts the recordkeeping and breeding on the farm at risk. From now on, I need you to stay focused and take the time to take the sow cards with you every time. Can you agree to meet these standards?”

5. **Manager identifies follow-up actions.**
   “So going forward, you agree to move cards properly and in a timely manner. I’ll check in with your team leader weekly for the next month to see how you’re with this”
The Written Warning
The Written Warning, the second step in the progressive discipline process, is taken when an employee repeats the problem behavior within a short period of time. The Written Warning documents the seriousness of the problem behavior, and puts the employee on notice that the behavior must be corrected.

The manager documents the discussion of the problem behavior and the expectations for performance improvement. A private conversation is held with the employee, who then receives a copy of the document. The original document is put in the employee's personnel file.

Details of the written warning should include:
- Employee name, title, date.
- A brief, objective description of the problem behavior with dates.
- Disciplinary action being taken.
- Corrective action expected from the employee.
- Time period in which the corrective action must be demonstrated.
- Consequences if corrective action is not taken.
- Signature lines and date lines for employee and manager.

See the Progressive Discipline guide and templates in the HR Tool Kit.

The Decision-Making Suspension
The third level of discipline, the Decision-Making Suspension, provides the employee with one or more days of paid or unpaid leave to decide if he or she will change his or her behavior to meet performance standards, or if he or she will find a different job. This is the final disciplinary step before termination. Suspension is designed to give the employee time to reflect on his or her performance and decide if he or she wants to change behaviors to meet performance expectations, or if he or she will decide to find another job.

- If the employee chooses to change his or her behavior and return to work, he or she must be consistent acceptable performance, or he or she may be subject to termination.

The manager prepares formal documentation, which both the employee and the manager sign and date. The employee receives a copy of the document, and another copy is put in the employee's personnel file. Along with the elements for the written warning, the documentation should include the following items:

- Dates of suspension, and whether leave is paid or unpaid.
- A brief, objective description of the disciplinary problems with dates.
- History of disciplinary action taken.

Documentation should be carefully prepared, keeping in mind that it could be used as evidence in a court of law. Before conducting the Decision-Making Suspension, you're encouraged to consult with the human resources department or the company's lawyer.
**Demotion**
Demotion is a possible outcome after suspension, instead of moving to termination. It is possible an individual was moved to a role beyond his or her ability, yet could handle a former role successfully. A demotion could also be an interim step. If performance improves, the employee might be reinstated to his or her role. If job performance does not improve, termination remains an option.

**Termination**
Termination is a serious decision which requires caution. Consulting with your human resources department or your organization’s lawyer is highly recommended before you terminate an employee.

Always terminate "for cause," even if you work in an "at will" state.
- "For cause" occurs when the employee has engaged in activity that constitutes "cause" for dismissal. This activity may be based on unacceptable job performance, or it may be the violation of one of the company’s "immediate termination" clauses.

- If you work in an "at will" state, then both the employer and the employee are free to break the employment relationship at any time.

- In terminating "for cause," you should ensure that you objectively documented the employee’s behavior that led to the decision, along with the dates of the incidents.

Always document the reasons for discipline. These reasons eventually become the reasons for termination. Documentation elements mirror those of the written warning, and include the effective date of termination.

Never threaten to terminate unless you follow through. Never terminate in anger or during the "heat of the moment."

Always allow a cooling off period if you’re tempted to terminate someone immediately. This period is particularly important when the employee has apparently violated one of the “immediate termination” classes in the employee handbook which may include:

- Physical violence, obscene language, or other threats when dealing with the public or other team members.
- Being at work under the influence of illegal drugs or alcohol.
- Immoral conduct or indecency, including sexual harassment.
- Unauthorized possession of firearms or explosives.
- Gross negligence resulting in serious injury or damage to property.
- Theft.
- Falsifying timecards or other company documents.
- Improper disclosure or use of confidential information.

A suspension (often with pay) may be warranted to provide the "cooling off period" for both the manager and the employee. This period will help provide time to gather facts about the situation, consult with human resources department or the company attorney, and prepare documentation.