

# **Human Resources Training**

## **Performance Management Training Module 3:**

### **Managing the 3%**

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# Managing the 3%

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## Learning Objectives

By the end of this module participants will be able to:

- Locate resources (collective bargaining articles, University and OUS policies) to assist in managing employees.
- Know the importance and best methods of fact-finding.
- Know when and how to address concerns, when to do so in writing, and the most appropriate methods to use.
- Use the guidelines for writing a Letter of Expectation (LOE).
- Understand when to use an Employee Support Plan (Work Plan) in conjunction with an LOE, and how to develop one.

### Objectives

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By the end of this module participants will be able to:

- Locate resources to assist in managing their employees (Unit Guidelines and Protocols, Collective Bargaining Articles, OUS and WOU policies).
- Know the importance and best methods of fact-finding.
- Know when and how to address concerns, when to do so in writing, and the most appropriate methods to use.
- Locate and utilized the guidelines for writing a Letter of Expectation (LOE).
- Understand when to use an Employee Support Plan in conjunction with an LOE, and how to develop one.

# Management Resources

The Office of Human Resources can support you in developing best practices to proactively avoid (or at least minimize) the need to address employee issues and/or concerns. With that said, there are times when questions and/or concerns arise and referencing other resources is helpful.

## Unit Guidelines and Standards

**Workplace & Performance Expectations**  
(Guidelines and Protocol)

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These serve to:

- Put employees formally on notice.
- Proactively address recurring issues/problems.
- Provide a consistent reference point.
- Communicate consistent standards upfront.
- Confirm when employees received them by the date of signature.

Workplace and Performance Expectations usually form the core of established Unit Guidelines and Standards (Protocols).

Establishing and equitably applying specific guidelines and/or office standards/protocols related to how you manage your unit is a very effective tool for proactively addressing and counseling the 3%.

By communicating your Workplace Expectations and Performance Standards up-front and having employees sign that they have received and understand them, you have not only shared information critical to your employee's success; you have also put employees formally on notice regarding what is expected of them. This is in addition to their official Position Description which will help clarify how and to what standards their identified duties are to be performed. Unit Guidelines and Performance Standards provide you an important reference point when needing to address an issue or concern with an employee's behavior or job performance.

**Collective Bargaining Agreement Language**

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Article Name	OUS-SEU	WOU-AFT
Employer / University Rights	9	12
Union Rights	10	3
Personnel Records / Files	16	9
Discipline and Discharge	17	10
Grievance	18	13
Differentials	20	
Salary Administration	22	16
Overtime	25	N/A
Filing/Vacancies/Appointments	32	6
Trial Service	34	N/A
Sick Leave	40	N/A
Leaves with Pay	43	N/A
Leaves without Pay	44	N/A
Vacation Leave	47	N/A
Work Schedules	55	N/A

## Collective Bargaining Agreement Language

Understanding the union contract can help you respond to a variety of questions and situations. Keep in mind that contract interpretation and application can vary depending on the person's knowledge and understanding of the intent of the

Contract Articles, past practices and results of past grievances and arbitrations. The Human Resources Office can provide valuable assistance in determining contract applicability and parameters.

Some articles to be aware of include:

	<b>OUS-SEIU</b>	<b>WOU-AFT</b>
Employer / University Rights	9	12
Union Rights	10	3
Personnel Records / Files	16	9
Discipline and Discharge	17	10
Grievance	18	13
Differential Pay	20	N/A
Salary Administration	22	16
Overtime	25	N/A
Filling Vacancies/Appointments	32	6
Trial Service	34	N/A
Sick Leave	40	N/A
Leaves with Pay	43	N/A
Leaves without Pay	44	N/A
Vacation Leave	47	N/A
Work Schedules	55	N/A
Mandatory Unpaid Leave Days	LOA	N/A
Inappropriate Workplace Conduct	LOA	N/A

Both the SEIU and AFT Union Contracts are posted on WOU's Human Resources Web page. The Human Resources Office can provide supervisors/managers with a hard copy of the SEIU Contract if desired.

### ***WOU and OUS Policies***

**WOU Policies**

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**Critical WOU Policies are:**

- Acceptable Use of Computing Resources
- Discrimination and Harassment
- Consensual Relationships
- Employee Assistance Program
- Equal Employment Opportunity and Affirmative Action
- Inclement Weather
- Reasonable Accommodation Policy
- Safety Policy
- Conditions of Employment 12-Month and 9-Month Appointments

In addition to the above Union Contract Articles, being aware of and ensuring adherence to multiple key University policies is an expectation and responsibility of all WOU managers and supervisors. Below are some WOU and OUS policies that capture key expectations.

WOU Polices: (posted on Human Resources Web page)

- Acceptable Use of Computing Resources
- Discrimination and Harassment
- Consensual Relationships
- Employee Assistance Program
- Equal Employment Opportunity and Affirmative Action
- Inclement Weather
- Reasonable Accommodation Policy
- Safety Policy
- Conditions of Employment, Unclassified 12-Month Appointments
- Conditions of Employment , Unclassified 9-Month Appointments

In addition to the more critical WOU Policies, there are also a number of Oregon Administrative Rules that pertain WOU and to OUS which could come up in helping to communicate management expectations and standards. They are:

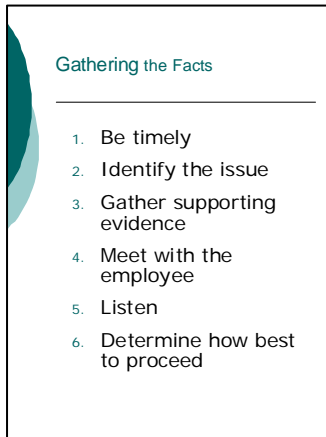
WOU - Oregon Administrative Rules: (OAR Chapter 574)

- Grievance Procedure for Unclassified Professional Employees (Division 10)
- Faculty Records Policy (Division 20)
- Parking and Traffic Enforcement Regulations (Division 85)

OUS – Oregon Administrative Rules: (OAR Chapter 580)

- Prohibited Conduct Relating to Students (Division 12)
- Microsoft Office PowerPoint 2003.Ink Discrimination (Division 15)
- Conditions of Service (Division 21)
- OUS Information Security Policies (Division 55)

# Gathering the Facts



Nothing is more awkward than meeting with an employee to discuss a concern, issue or incident, only to discover that information you were operating from was either incomplete or inaccurate. In addition to creating an awkward situation, you have potentially damaged your working relationship with your employee and your credibility. Taking the time up front to assess the issue or concern and gather relevant information demonstrates that you are interested in understanding the complete picture and developing the most effective remedies.

Steps to consider when gathering the facts include:

1. Be timely – do not delay in following up on a concern. It is important to address issues at the lowest level possible.
2. Identify the issue or concern – check for underlying problems, what happened, when, what was the impact, how did you become aware of the concern, who was involved. Note: The HR Office is a resource in determining the scope/impact of the concern.
3. Gather supporting evidence – **be objective**. Get the specifics, review history, gather supporting documents, reports, interview witnesses, etc. When gathering information from witnesses, do so in as confidential a manner as possible and remind employees you have interviewed to treat the matter confidentially (no visiting with co-workers). Make notes on the facts you have gathered to ensure that all areas of concern are addressed with the employee.
4. Meet with the employee – in a private manner, let the employee know you want to meet with him/her. Set up a time and location that allows as much confidentiality with the employee as possible. Explain your concern, provide examples and allow the employee to respond. Ask “Big-Picture” questions:

- a. Was there something that prevented you from/caused you to \_\_\_\_\_?  
\_\_\_\_\_?
  - b. Is there anything that is going to get in your way of being able to accomplish \_\_\_\_\_?  
\_\_\_\_\_?
5. **LISTEN**. Generally, this is considered a one-on-one coaching and gathering information meeting and union representation is not warranted.
6. Determine how best to proceed – based on all information gathered and the employee’s response(s), consider the best course of action to remedy the issue or concern. You would consider what historical steps have been taken to help the employee succeed, if any, when deciding how to proceed. At this level you may reach an agreement verbally with the employee, or if the situation warrants it, you may want to follow-up with the employee in writing.

If at any point of your information gathering process you believe a formal corrective action may be warranted, contact the Human Resources Office to discuss how to best proceed.



# Performance Management Tools

There are a number of tools that supervisors and managers can use to address employee problems in helping an employee get back on track and prevent problems from becoming bigger.

**Performance Management Tools**

1. Trial Service
2. Clarification of Expectations
3. Employee Support Plan
4. Verbal Warnings
5. Written Warnings

The Trial Service (TS) period of a new employee is the first tool. This is a Pass or Fail tool. The new employee in TS has not gained regular status as yet and can be removed from TS if their performance or behavior at work do not merit them continuing in the position.

However, once an employee has gained regular status, and the supervisor's normal performance management efforts have not successfully addressed on-going problems and/or concerns, then specific coaching and counseling tools can be used to address those concerns. These are notifications to the employee verbally and in writing to clarify workplace expectations and performance standards, and to provide a warning to the employee that the supervisor's concerns are serious and must be remediated.

**Trial Service**

- o Each employee appointed to a position shall serve a TS period.
- o Temporary employment does not count towards TS.
- o TS for part-time and seasonal employees is generally 1040 hours.
- o TS may be extended (allow 30 days).
- o Interim performance appraisal reviews for TS employees is needed.
- o At the end of TS the employee gains regular status; OR is removed.
- o Do not wait until the end of TS to remove an employee.

## 1. Trial Service

Trial Service is considered an extension on the recruitment process for a classified position. The person hired by WOU as a classified employee will serve a 6 month trial service period per the SEIU Contract, Article 34. It is during this Trial Service period that supervisors and managers should be monitoring the employee's job performance against the Workplace Expectations and Performance Standards established for their position in order to

determine if the employee is going to be a good fit for the job and to the unit.

If it becomes apparent after orienting the employee to the duties and responsibilities of their position, that the employee continually does not perform to standard, or does not comply with unit expectations, the employee needs to be informed of this through coaching and counseling feedback. The employee should then be given an opportunity to correct the behavior and/or performance. If it is apparent that the employee is not able or willing to remedy the supervisor's or manager's concerns, the employee should not pass Trial Service, and can be removed prior to the Trial Service end date. The Supervisor should work with the Human Resources Office to remove the employee from Trial Service before that Trial Service end date. HR will issue the employee a Trial Service Removal letter. Removal from Trial Service is not subject to the Grievance procedure under the current SEIU Contract. This is the first and best tool to use in dealing with problematic employee issues; while they are still in Trial Service and before they gain regular status.

**Clarification of Expectations (LOE)**

If supervisor expectations have not been met:

- Clarify them with the employee.
- You can do so verbally or in writing by creating a Letter of Expectations (LOE).
- Putting concerns and/or expectations in writing for an employee is a concrete tool in addressing job performance and behavior concerns.
- For most employees getting something in writing feels very serious; others may become angry or react defensively.
- It is important to draft the LOE in first person and write the LOE in a positive, supportive manner.
- List what the expectations are and specify how the employee can meet them.

## **2. Clarification of Expectations (LOE) -**

When expectations have not been met, you may need to review them (clarify) with the employee. You can do so verbally or you can put them in writing creating a Letter of Expectations. Putting concerns and expectations in writing for an employee is a very useful tool in addressing job performance and behavior concerns. For most employees getting something in writing feels very serious; some may need time to digest the information; others may become angry or react defensively. It is important to draft the LOE in first person and write the LOE in a positive, supportive manner. List what the expectations are and specify how the employee can meet them.

**Note:** Refer to the Letter of Expectation (LOE) Guidelines and LOE Template handout materials

### Employee Support Plan

- An Employee Support Plan is often used in conjunction with an LOE to address job performance issues.
- An Employee Support Plan is **never** appropriate to use when addressing behavioral concerns.
- An Employee Support Plan sets specific objectives to help the employee meet job performance standards within an identified timeframe.
- An Employee Support Plan uses specific metrics and feedback help the employee succeed in meeting Performance Standards.

## 3. Employee Support Plan

An Employee Support Plan is often used in conjunction with a Letter of Expectation to help address specific substandard job performance. An Employee Support Plan is **never** appropriate when addressing behavioral concerns.

An Employee Support Plan is used to set specific objectives to help the employee meet expectations and performance standards within an identified timeframe.

An Employee Support Plan uses identified metrics and feedback to help an employee succeed in meeting the identified Performance Standards.

**Note:** Refer to the Employee Support Plan Guidelines and either the Support Plan Template A, or Template B in the handout materials

### Verbal Warning

- Verbal warnings are generally used to address an immediate concern that needs to be corrected, but does not rise to the level of needing to be addressed in writing.
- To be effective verbal warnings need to be:
  - **Immediate** – if not immediate – employees may question the importance of what you are telling them.
  - **Based on fact** – be sure you have all of the facts – complete and truthful – you want to avoid “he said/she said” situations if possible.
  - **Documented in your working file in detail** – may need to show efforts made with the employee if formal discipline becomes necessary.

## 4. Verbal Warnings

Verbal warnings are generally used to address an immediate concern that needs to be corrected, but is not such an issue that it would rise to the level of needing to be addressed in writing.

To be effective verbal warnings need to be:

- **Immediate** – if not immediate, employees may question the importance of what you are telling them.
- **Based on fact** – be sure you have all of the facts. Be complete and truthful. You want to avoid “he said/she said” situations.
- **Documented in your working file in detail** – you will need to show the efforts you made with the employee if formal discipline becomes necessary.

### Written Warning

- Written Warnings are used when previous coaching efforts have failed to produce the desired results.
- Written Warnings would not be appropriate for remedying situations where an employee didn't know or understand performance expectations.
- If you have provided previous coaching and clarifications to help the employee succeed and the employee doesn't seem to get it, a Written Warning is the strongest informal tool a supervisor can use.

## 5. Written Warnings

Written warnings are more specific than an LOE, and are used when previous coaching efforts have failed to produce the desired results. Written warnings would not be appropriate for remedying situations where an employee didn't know or understand his or her performance expectations. However, if you have provided previous coaching, expectations and other tools to help the employee succeed and the employee doesn't seem to get it, a written warning can be an effective tool.

### A Written Warning:

1. Needs to address the area(s) of concern as demonstrated a specific recent instance.
2. Does **not** list history.
3. Does **not** list specific details of the instance in question
4. Should cover what is expected in the future
5. Does include a general statement that specific improvement is needed
6. Does **NOT** include a specific jeopardy statement (e.g. further ...will lead to implementing progressive discipline up to and including dismissal).
7. Does **NOT** require an employee signature.

### Written Warning

- o Addresses the area(s) of concern as demonstrated by a specific recent instance.
- o Does **not** list history.
- o Does **not** list specific details of the instance in question.
- o Should cover what is expected in the future.
- o Does include a general statement that specific improvement is needed.
- o Does **NOT** include a specific jeopardy statement (e.g. further ...will lead to implementing progressive discipline up to and including dismissal).
- o Does **NOT** require an employee signature.

**Note:** Unions may say a Written Warning is disciplinary. Work with Human Resources if this non-disciplinary tool being considered.

**Note:** Unions may say that a Written Warning is disciplinary (a Written Reprimand). Written Warnings are used only in limited situations or circumstances. Be sure to work with Human Resources if this non-disciplinary performance management tool is being considering.

### **REMEMBER:**

**How you write the document determines if it is considered a formal disciplinary action; not how it is titled or where it is kept.**

# Working with Human Resources

## Working with Human Resources

HR is your best resource:

- to help determine what may be causing the concerns.
- to identify the business needs governing the position.
- to help determine when or if the employee will return to work of absence is the issue.
- to identify alternative options for consideration.
- to ensure that actions are fair, honest, and compassionate.

The Human Resources Office is your best resource in dealing with problematic employee issues. Often, and depending on the individual situation and circumstance, there are a number of options that might be considered in address problematic employee issues.

HR will work with supervisors and managers to determine the business drivers/needs of the unit, identify time frames, consistency in the application of policies and procedures, and identify alternative and options that might be available for a given situation.

## Working with HR (cont'd)

Contact the HR Office to explore available options:

- Schedule a formal investigatory meeting.
- Contact the employee's medical provider.
- Consider less than 40 hour work week
- Medical leave of absence


Supervisors and managers will always want to work with HR if there are any medical issues involved in an employee issue. Care must be taken in considering how to address your concerns if there are ADA for FMLA/OFLA issues involved. HR can provide guidance and assistance in contacting an employee's medical provider for clarification regarding an employee medical or disability status. HR can also provide guidance and assistance in handling these kinds of issues appropriately within the bounds of the Contract, and minimize risk to the University. HR can also discuss alternative

solutions which might be available to an employee in a particular situation, such as adjusting work schedules, shifts, or a leave of absence.

HR can help you determine whether or not dealing with a particular employee issue should be done informally through the use of the aforementioned Performance Management Tools, or whether it needs to addressed formally. If the issue is severe and raises a significant risk to the University, it might require a formal corrective action in the form of progressive discipline. If so, a formal investigatory meeting would need to be scheduled before any action is implemented.

## Still Informal Up to This Point

Up to this point, the supervisor has been working with their employee on an informal basis. Letters of Expectations, Employee Support Plans, documentation of Verbal Warnings, and Written Warnings are not included in an employee's official Personnel File kept in the Human Resources Office. These documents are kept in the supervisor's employee file (working file).



**Still All Informal At This Point**

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The hope is that by using these various informal coaching and counseling tools, the employee will get the message; and a "Word to the Wise" will be enough.

However, if problems continue, we move to more formal corrective actions:

"Progressive Discipline"  
(Module #4)

But, if the employee continues to demonstrate the problematic behavior or performance issues that have been brought to their attention by their supervisor, then something stronger is needed to get their attention. When coaching, counseling, and written notifications have not worked, what does the supervisor or manager do if the employee still does not improve?

It is at this point that the supervisor should consider implementing progressive discipline to require the employee to proactively and successfully correct their behavioral and/or performance deficiencies.

Where to we go from here if the employee still does not improve?

**NEXT – Module #4: “Progressive Discipline”**