

# HURST STORES

## DISCIPLINE

Use informal verbal discussions and/or training to fix the performance issues before moving to formal disciplinary action.

### Effective Documentation

Proper documentation of disciplinary action is extremely important. It establishes a record that can be helpful to you in various ways, some of which are:

- It enables you to determine whether an employee has been given prior notice regarding a policy or procedure and whether the employee has received previous disciplinary action and in what form. You then can determine the appropriate form of disciplinary action for a subsequent offense.
- It gives you a mechanism for studying precedents when an associate engages in the same or similar types of conduct that have resulted in discipline for other employees.
- It provides the essential paper trail when you are forced to respond to a claim of unlawful conduct by an employee or former employees.
  1. Document **every** disciplinary event and counseling session promptly, while events are fresh in your mind. Handwritten dated notes are acceptable. Write as complete a story as possible, providing exact dates, times, places and conversations.
  2. Record job-related standards and behaviors, not subjective interpretations. For example, instead of noting such behavior as chronic absenteeism, record facts: "absent four days (10th, 12th, 14th, 16th) during December." Remember that speculation such as "He's probably been drinking again" should not be included in the file.
  3. Focus on major issues related to performance and/or conduct and ignore minor issues.
  4. Be sure to record the employee's side of the story during counseling or discipline sessions. This will document that the employee obtained a proper hearing and will ensure that if the employee's account changes later it will be challenged.
  5. In written warnings and other formal disciplinary actions, make sure the employee reads and signs the written record of the infraction and disciplinary action taken. If possible, have a second managerial or supervisory representative present at the meeting with the employee and sign as a witness.
  6. It is legally advisable to always include the following statement on every counseling form: "Any further violation of this kind will result in further counseling up to and including termination."
  7. Avoid documentation that gives the appearance of "building a case" against an employee. The record should reflect your honest attempt to salvage the troubled employee. Otherwise, an employee claiming "retaliatory discharge" or a "predetermined decision to fire" may propel the employer into court.
  8. Be careful to record similar violations in the same terminology. You need to be able to show other employees were disciplined for similar offenses in a like manner.

For example, when two employees are disciplined for refusing to perform a job, it would be unwise to describe the one employee's behavior as "unsatisfactory performance" and the other employee's action as "insubordination." In this instance, it would be best to record "refused to perform" for both cases. The bottom line of sound documentation of employee counseling is to promote fairness and consistency.

## Written Warning

Use the **Statement of Counseling Form** to document specific performance issues, set goals for the desired behavior, and a timeframe to accomplish the required improvements. Remember to have the employee sign and date the form as well as any management witnesses. Certain violations may warrant skipping a step of discipline and/or going directly to a Final Warning.

To aid in determining your course of action, use the **Progressive vs. Termination Guidelines**.

## Final Written Statement of Warning

If the employee's performance has not improved to your expectations within the established timeframe, it will be necessary to put the employee on a "Final Written Warning."

In this meeting, to document your discussion as well as the current performance issue, use another **Statement of Counseling Form**.

It is important to document, in detail, the previous written warning, the goals which were laid out and how those goals were not met in the desired timeframe. Explain to the associate that the goals remain the same and set a new timeframe for completion. It is important at this time to stress that if the goals agreed upon are not met in the desired timeframe, then the associate may be terminated. Again, have the employee and any management witness sign and date the form.

## Termination

If after the previous formal counseling sessions the employee is still not performing to established standards, the only solution may be termination.