Managing Under Performing Employees

Welcome

Presenters
N K Lutz

with the help of Adrian Rudzinski
Plan was:

• hands-on approach workshop (20 people)
• focus on the means to ensure employees are weaving their part of the tapestry

However

• with 70 people
  – a workshop was not possible
  – lecture mode with questions is best we can do..
I would like to have some idea of your experiences.

- who is a Principal?
- who are union members?
- who is a school governor?
- who has identified an one on their team?
- who has been as an under performing employee?
- who expects to be dealing with an one soon?
- who has dismissed an employee?
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Life Cycle of a Frog

- Eggs
- Tadpole
- Metamorph
- Frog
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**Life cycle of an employee**

1. **Recruitment**
2. **Induction**
3. **Training and development**
4. **Useful work**
5. **Further training and development**
6. **More useful work**
   
7. **Termination** e.g., resignation, retirement,
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Key Documents

- Definition of employee’s work
- Job description
- School policies and procedures
- Staff handbook
- Letter of offer
- Standards of work expected ~ eg teaching and learning policy
- Standards of behaviour ~ codes of conduct, dress
- Any other document that might be reasonable held to be part of the employment contract
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Record Keeping

- Don’t know when you will need it
- In 1000 employees I expect that there will be at least one employee facing forced termination behaviour / significant under performance
- We just don’t know which one

Remember ..... "the job ain't done until the paperwork is finished"
“There are no bad employees only bad supervisors”
If there are no bad employees….
What can go wrong?
– Behaviour / conduct
– Under performance

today is about under performance
What is significant under performance?

- “a level of performance that is significantly below the standard that is expected of an employee”

- what is the expected standard?

where is that paper work!!
PURPOSE...

To ensure that:

• employees receive reasonable support which affords them opportunities to achieve at an expected standard

• effective disciplinary action is taken if the performance remains below expectation
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WHY?

1. We have a responsibility to ensure that:
   - Children and staff are afforded quality learning and care
   - Appropriate action is taken when employee is incompetent.
WHY?  Continued

2. Employees are responsible:
   – for performing their work competently,
   – addressing performance problems experienced
   – to participate in program to assist them to improve
WHY? continued

3. Employee have a right to:
   – fair treatment,
   – receive honest, valid and constructive feedback
   – be fully informed of matters which affect them
   – be given the opportunity to respond to criticisms
   – have their response fully considered,
   – have representation of their choice
   – have access to professional support and training.
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- So you think that you have an employee that you consider is under performing?
  - How do you know?
  - How can the employee know?
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Performance Measures:

- Output
- Quality
- Procedures
- Costs
- *Time taken to do the job*
So you think you have the under performing employee pegged.

What next?

Assure yourself that the underperformance is within the employee’s control.
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What is the cause?

1. don’t know how to do it
   – training

2. don’t know what to do
   – standards
What is the cause? continued

2. can't do it
   - capability
   - capacity

3. don't want to do it
   - attitude
Remember your ABCs

- Activators (Antecedents)
- Behaviour (or in this case performance…)
- Consequences
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Activators

1. The Employee
   - Recruitment
   - Induction
   - Training & Development

2. The Work
   - Job Description
   - Job Standards
   - Job Specification
   - Goal Setting
Behaviours

The Performance

- Tasks
- Output
- Quality
- Timeframe
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Consequences

what the supervisor does in response to employee behaviour / performance

– “I will tell you if you are doing it right”
– “I will tell you if you are doing it wrong”

Feed Back is the Breakfast of Champions
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• *Balance of Consequences*

<table>
<thead>
<tr>
<th>Consequences</th>
<th>Positive Outcomes</th>
<th>Negative Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feedback to employee in real time and continuous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfactory Performance</td>
<td>Reward and Recognition</td>
<td>Process Review</td>
</tr>
<tr>
<td>Unsatisfactory Performance</td>
<td>Discussion with Employee about Values of a Machiavellian Approach</td>
<td>Discipline</td>
</tr>
</tbody>
</table>
Performance improvement plan

• **Pinpoint**
• **Record**
• **Involve**
• **Coach**
• **Evaluate**

*Know the PRICE....*

From: ‘Putting the One Minute Manager to Work’
Kenneth Blanchard and Robert Lorber
PERFORMANCE IMPROVEMENT PLAN AGREEMENT
- part 1

1. Detail of Unsatisfactory Performance
   Pinpoint and Record
   Limited the measures to 4 or 5

2. Employee’s Explanation for/or Response to Unsatisfactory Performance
   Involve the employee
   Procedural fairness

3. Performance Standards Employee Required:
   List key activities and expected outcomes
   Involvement of employee continues – measure own performance
4. Coach
   Who will be Coach?

   List Agreed Action Required by Coach
   First Coaching Session:
   Be specific ~ Date, Time and Location

5. Evaluation
   Agreed Evaluation Appointments:
   Date, Time and Location

6. Consequences
   List Possible Consequences if Employee Performance is not at Standard Required
7. Sign off…..

– Supervisor’s Signature

– “I acknowledge this to be an accurate record of the interview and will work with my supervisor to improve my performance.”

– Employee’s signature
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Consequences

~ depends on the seriousness of the matter:
  – Counselling (diary note)
  – Counseling (written and signed by both parties)
  – Verbal warning
  – Written warning
  – Final written warning
  – Dismissal
Is the Process fair?

~ the tests…

– Procedural Fairness
  • right of employee to respond
  • right to be accompanied by a person of their choice

– Substantive fairness
  • the punishment must fit the crime

~ Check lists
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Verbal Warning Checklist

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a verbal warning is appropriate in the circumstances?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>an investigation of the issues has been carried out to establish the specific details of the unacceptable behaviour (including statements from witnesses)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3</td>
<td>the employee has been informed in a meeting of the specific details of the unacceptable behaviour?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4</td>
<td>the employee has been given the opportunity to respond to all the allegations?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5</td>
<td>the response from the employee has been taken into account?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6</td>
<td>the employee has provided no information that indicates mitigating circumstance?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7</td>
<td>appropriate details are recorded and kept in a secure place?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8</td>
<td>the consequences of the unacceptable behaviour have been discussed with the employee?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9</td>
<td>records of all interviews with the employee have been made and the response of the employee has been noted?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>10</td>
<td>follow up on the employee behaviour – close but random timing</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
Who is Responsible?

- Supervisor
- Principal
Role of the Union

- Support their members
- Ensure their members are treated fairly
- Will give Employers a hard time
- Can be realistic…. 
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Risk Assessment

• like any activity a risk assessment is essential
• identify the likely risks
• determine how to deal with the risks

AS / NZS 4360:1999
Risk Management
A must read....
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Dispute Resolution Process
at the end of the process,
• employee not happy with outcome
• the employee introduces a third player
  – mediation
  – arbitration
  (depending on provisions of Collective Agreement)
"The Paradox of being a Principal
~ Supporter or assessor of underperforming teachers”

Jill Elsworth
Sept 2007
Australian Primary Principals Association

~ Major Findings
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Major Findings Part 1

**Principals:**
- are driven to conduct the procedures as a result of their own professional values and ethics and not because of systemic expectations
- have a primary intent is to improve teacher performance
- are prepared to sustain significant levels of personal and professional effects when managing procedure for the benefit of whole school community and the reputation of the teaching profession
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Major Findings Part 2

**Principals:**

- *are not trained appropriately in any Australian education system*

- *believe managing the procedures require significant on-going support*

- *believe the process requires significant extra allocations of finance, time and human support from school budgets.*

- *found the procedures onerous, bureaucratically complex in delivery and professionally challenging.*
Where to from here?

- Simple but not easy?
- This overview is meant to demonstrate that it can be done
- Careful planning early will help you deal effectively with the under performing employee.

Consult with Regional Office before proceeding
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Question for you:

- Do we need the process to be part of our Collective Agreements?
- Why?

Achieving Good Performance for most people is a journey not a destination
… ‘Life is not meant to be easy, my child;
but take courage: it can be delightful’…

Spoken by THE HE-ANCIENT
from the play “Back to Methuselah”
Written by George Bernard Shaw
References

1. Management of Organisational Behaviour: Utilizing Human Resources
   Paul Hersey and Kenneth Blanchard

2. The One Minute Manager
   Kenneth Blanchard and Spencer Johnson

3. Putting the One Minute Manager to Work
   Kenneth Blanchard and Robert Lorber

4. Leadership and the One Minute Manager
   Kenneth Blanchard, Patricia Zigarmi and Drea Zigarmi

5. AS / NZS 4360:1999 Risk Management