



OUR WHY? To partner with local governments so that Texas communities are **STRONGER TOGETHER**

1

Safety Matters. Stay Connected.



2

Performance Management and Disciplinary Actions for Supervisors

***Note:** We are not attorneys and cannot provide legal advice. We strongly encourage you to have discussion related to this topic with your attorney and review your policies, federal, state and local laws, including your charter, ordinances and resolutions.*

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What is HR?

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When you tell a joke so funny,
HR wants to hear it.



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Symphonic Performance Management

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Supervisor Characteristics

Take a few minutes to talk amongst yourselves (with the people around you) what are some

- **GOOD** supervisor characteristics you have experienced
- **BAD** supervisor characteristics you have experienced

Please do not use any names

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SCOPE OF CONTROL

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MASTER WHAT YOU CAN CONTROL
By Justin Wright

Outside Your Control

- Workplace Drama
- The Past
- The Outcome of Your Efforts
- How Long Something Takes
- Other People's Feelings
- Other People's Opinions
- Traffic
- Politics
- The Weather
- Family Expectations

Within Your Control

- Your Kindness
- Your Attitude
- Your Focus
- Your Effort
- Your Goals
- Your Mindset
- Your Self-Care
- Your Boundaries

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Servant Leadership

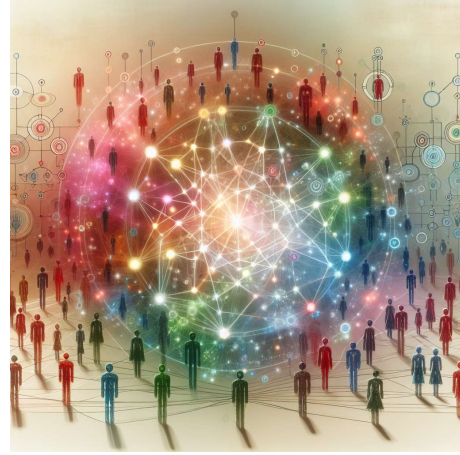
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Leadership is Relational

“In Organizations, real power and energy is generated through relationships. The patterns of relationships and the capacities to form them are more important than tasks, functions, roles, and positions.”

Margaret Wheatly



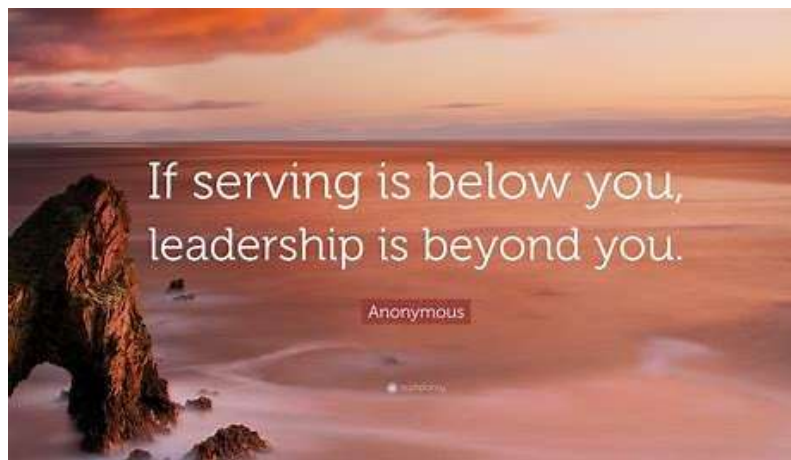
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TML
RISK POOL

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Supervisors GET To

- Protect the Organization
- Grow the employee



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RISK POOL

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SERVANT LEADERSHIP THE POWER OF WORKING FOR YOUR TEAM

© Dr. Christian Poengen

TRADITIONAL LEADER

- Does most of the talking.
- Focuses on personal success.
- Measures success by numbers.
- Relies on authority to get results.
- Sees leadership as a personal accomplishment.

SERVANT LEADER

- Listens actively.
- Prioritizes team needs.
- Measures success by team growth.
- Empowers and shares responsibility.
- Views leadership as serving the team.

PILLARS OF A SERVANT LEADER

Active Listening:
Engages, understands, and responds to what the team has to say.

Ethical Behavior:
Acts fairly, honestly, and responsibly.

Visionary Thinking:
Sees beyond the present to envision the future.

Emotional Intelligence:
Manages emotions positively for effective communication.

Adaptability:
Embraces change and evolution.

Empowerment:
Trusts and sets the team up for growth.

ACTIONABLE STEPS

- 1 Create a Safe Space:**
Build an environment where team members feel safe to express themselves.
- 2 Promote Work-Life Balance:**
Support practices that help balance personal and professional lives.
- 3 Provide Resources:**
Ensure the team has the tools and resources needed.
- 4 Practice Patience:**
Understand growth and change take time.
- 5 Lead by Example:**
Make your team proud.

If you found this helpful, follow me for more

Dr. Christian Poengen

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The best bosses are not the ones who have all the answers or work the longest hours, but those who care the most.

A great boss genuinely cares about you, as a human being, not just as a worker.

**Effective performance management
begins on/prior to day 1**

Possible Performance Response Missteps

- Being unfamiliar with your policies and procedures
- Sloppy documentation
- Dishonest appraisals
- Inconsistent statements
- Not taking complaints seriously
- Poor interviewing techniques
- Changing rationale over time
- Lack of employment law knowledge
- Over documenting
- Failing to work with an employee before termination

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Performance Management

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Importance of Transparency in Engagement

“Transparency in the workplace is crucial for fostering employee engagement. It creates a sense of trust between management and employees, allowing them to better understand company goals and objectives...Leaders at all levels should be proactive in promoting transparency to create a culture where employees feel valued and committed to their work.” – Forbes.com

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Too Little too Late?

“I was INTERVIEWING an exiting employee, and here are 5 insights I would like to share with you:

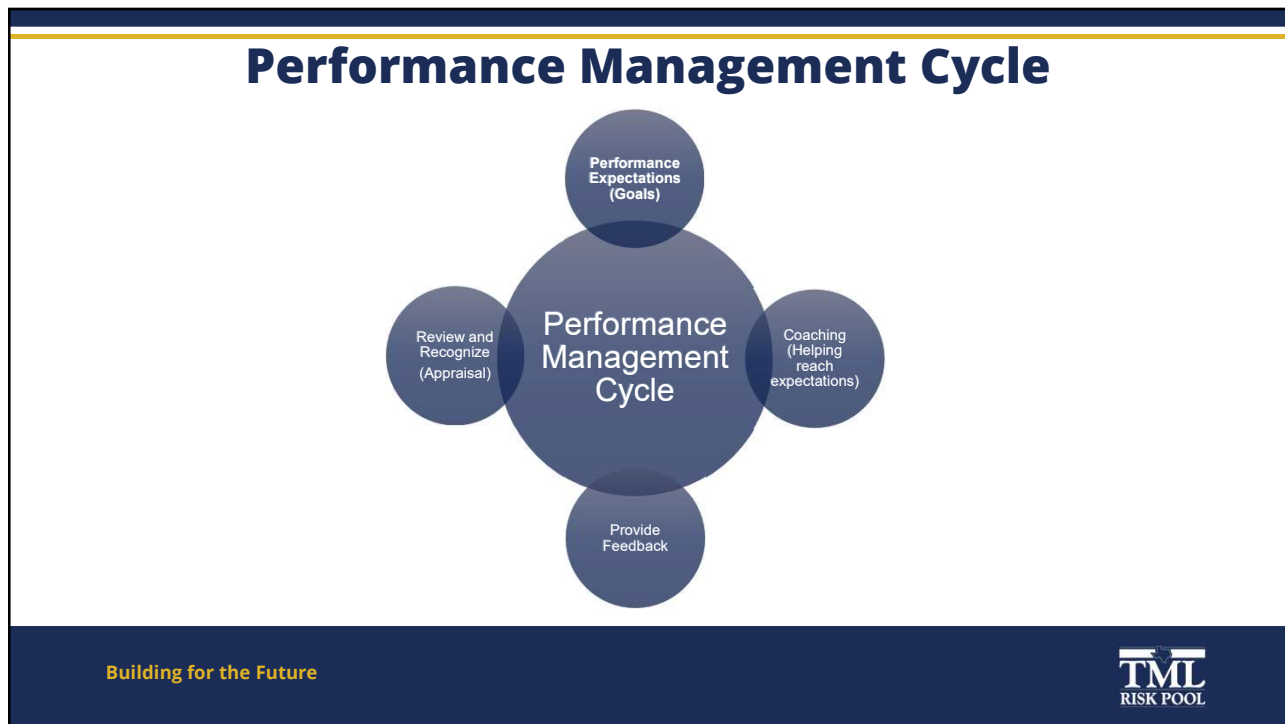
1. *Mental resignation happens long before. The physical resignation is the final act of a loss of hope.*
2. *You can't try to appreciate someone on their way out. It is a little too late.*
3. *Money motivates only to a point. People rarely leave just for money.*
4. *Career progression is one of the biggest factors to retention. Every job plateaus. Create a career path for each employee to ensure they stay motivated.*
5. *Once trust is broken, it's hard to regain.”*

Charmanique Hinds on LinkedIn

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SMART Goal*

S	What do you want to accomplish? Who needs to be included? When do you want to do this? Why is this a goal?
SPECIFIC	
M	How can you measure progress and know if you've successfully met your goal?
MEASURABLE	
A	Do you have the skills required to achieve the goal? If not, can you obtain them? What is the motivation for this goal? Is the amount of effort required on par with what the goal will achieve?
ACHIEVABLE	
R	Why am I setting this goal now? Is it aligned with overall objectives?
RELEVANT	
T	What's the deadline and is it realistic?
TIME-BOUND	

**smartsheet.com*

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Performance Management Cycle



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Performance Management Tools

EFFECTIVE COACHING

Coaching gives the employee an opportunity to hear about aspects of his or her performance in "real time" and to play a role in figuring out how to best adopt or modify their behavior for success.

Coaching conversations should:

- Create a genuinely motivating climate for performance;
- Improve the alignment between an employee's actual and expected performance; and,
- Increase the probability of an employee's success by providing timely feedback, recognition, clarity, and support.

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Performance Management Tools

ROLE OF A COACH

- Provide Direction
- Improve Performance
- Open Possibilities
- Resource

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Performance Management Cycle



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Feedback FEEDS

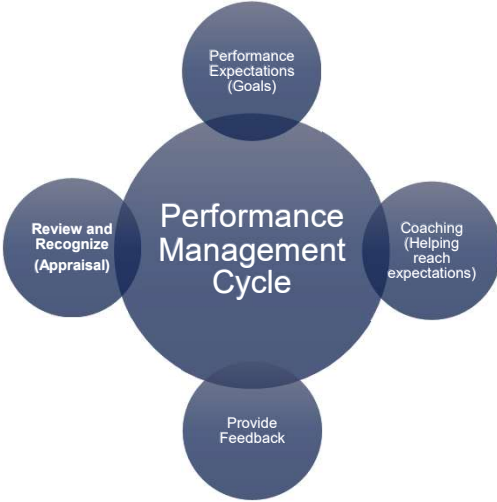
FEED

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Performance Management Cycle



The diagram illustrates the Performance Management Cycle as a central blue circle labeled "Performance Management Cycle". Four smaller blue circles are arranged around it, each containing a step: "Performance Expectations (Goals)" at the top, "Coaching (Helping reach expectations)" on the right, "Provide Feedback" at the bottom, and "Review and Recognize (Appraisal)" on the left.

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“Appreciation is a wonderful thing. It makes what is excellent in others belong to us as well.”

Voltaire



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tell me
AND I FORGET
teach me
AND I REMEMBER
involve me
AND I LEARN

-BENJAMIN FRANKLIN

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Effective Discipline and Documentation

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Motivation gets you going, but
discipline keeps you growing.

John C. Maxwell



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Discipline to Disciple

“Example is not the main thing in influencing others. It is the only thing.” - Albert Schweitzer (Albert Schweitzer, William Larimer Mellon (1996). “Brothers in Spirit: The Correspondence of Albert Schweitzer and William Larimer Mellon, Jr”, p. 18, Syracuse University Press)

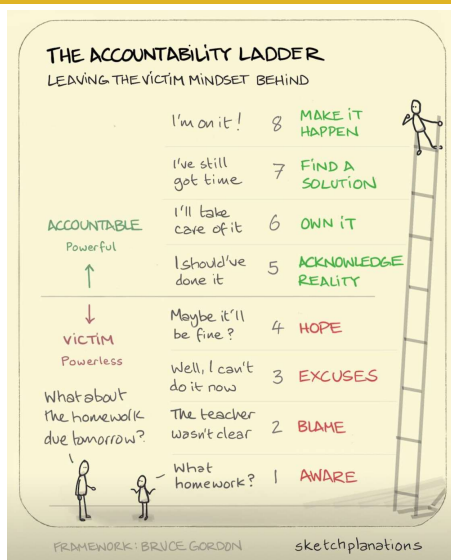
“The key to successful leadership today is influence, not authority.” – Ken Blanchard

“If you hire people just because they can do a job, they’ll work for your money. But if you hire people who believe what you believe, they’ll work for you with blood and sweat and tears.” – Simon Sinek

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“Leaders must set crystal-clear expectations, give consistent feedback, and cultivate a culture where accountability is the norm. Without strong leadership, accountability will always be out of reach.”

Accountability starts with clear expectations; it's about owning your actions and their consequences. It's not just about admitting mistakes but also about learning and growing from them.”

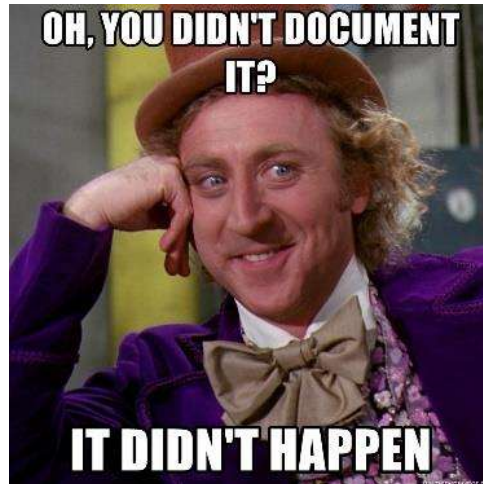
Pepper Wilson post on LinkedIn

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Gather Facts



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What's the COMPLETE Story?

- What happened and why is it a problem?
- Did the employee KNOW what was expected? How?
- Has this happened before? How has it been addressed in the past?
- How has this been addressed before with other employees?

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10 Steps to Effective Disciplinary Action

1. Address the problem as soon as possible
2. Set a specific time and place
3. Sit...don't stand
4. Private location
5. Focus on the issue NOT the person
6. Be specific about the concern
7. Be collaborative on a solution
8. Avoid negative tone in your statements
9. Encourage the employee
10. Document the meeting

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Keys to Remember

For discipline to be effective, there are some key concepts to keep in mind:

- Don't find fault to just find fault
- Keep good records
- Timeliness
- Don't ignore problems

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Progressive Discipline

Progressive discipline refers to a process by which an employee with disciplinary problems progresses through a series of disciplinary stages until the problem is corrected.

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Steps of Progressive Discipline

- Even if you are an “*At Will Employer*”, following a progressive disciplinary process can help in the event of litigation.
 - Oral Warning (Counseling Session)
 - Written Warning and possible Performance Improvement Plan (PIP), signed by employee
 - Suspension Without Pay (as appropriate), signed by employee
 - Termination, signed by employee

It goes without saying there are some instances when immediate termination is warranted and it is not necessary to follow progressive discipline. You want your HR representative (and your legal counsel) involved in all disciplinary actions and terminations.

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Effective Discipline Approach

- Protect the Organization
- Grow the employee



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Disciplinary/ Performance Example*

**Example courtesy of City of Allen's "Performance Management" presentation*

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Possible Disciplinary and/or Performance Action Needed?

1. Review City Policies

- Did behavior violate a written rule or code of conduct?
- If yes → Likely disciplinary.

2. Intent and Awareness

- Was the employee aware of expectations?
- Was the action intentional or due to difficulty meeting expectations?

3. Frequency and Pattern

- Repeated misconduct → disciplinary.
- Repeated underperformance despite support → performance issue.

4. Impact

- Harm to morale, safety, or workplace environment → disciplinary.
- Harm to efficiency, output, accuracy → performance-related.

5. Documentation & Due Process

- Are there records of past incidents, coaching, or training?
- Has the employee had an opportunity to respond?

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Inappropriate Workplace Behavior

An employee has repeatedly made disrespectful remarks during staff meetings. They have received two prior verbal coaching and have signed the conduct policy twice (onboarding and annual training). A recent incident caused a coworker to walk out, witnessed by two peers. Team morale is declining, and employees avoid speaking up in meetings.

Questions

1. Does this behavior violate any written rule or policy?
2. Was the employee aware of expectations?
3. Is there a pattern of behavior?
4. What is the impact on team morale or safety?
5. What action is most appropriate and why?

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Termination

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A Note About Employee Terminations

**Employee
terminations
should not
be a surprise.**

“Employee terminations should not be a surprise to the employee. If someone’s performance or behavior has been a concern, it’s the manager’s job to document, coach, and communicate—consistently and compassionately. Surprises hurt people, the team, and your employer brand. Do the hard work early: give feedback, set clear expectations, and create a fair paper trail.”

Jennifer Osborn post on LinkedIn

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Why Terminate?

- A bad fit – good person in the wrong job
- Not delivering on expected performance standards
- The bad actor – unacceptable behavior, no longer tolerated
- The employee who may be stuck in the “good old days”
- The friend-coworker turned office pal becomes your direct report and now may be taking advantage of you

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Review Documentation Prior to Termination

- Job Description
- Policies
- Performance Appraisals
- Disciplinary Actions

TIP: *You must document everything, and it must be objective and non-discriminatory*

TIP: *Before you terminate, you must ask some questions*

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Possible Termination Questions

- Do you feel comfortable that you will be able to prove, with evidence, that the employee violated the rule or policy or the standard of performance was not met, and that you have treated other similar situations with the same level of discipline in similar circumstances?

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Possible Termination Questions

- Are there any complaints or claims (formal or informal) that the employee has made against the organization, co-worker, vendor, citizen?
 - *Engaging in EEO activity, does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate workers if motivated by non-retaliatory and non-discriminatory reasons that would otherwise result in such consequences. However, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination. <https://www.eeoc.gov/retaliation>*

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Possible Termination Questions

- Does the employee fall into a “protected category” (race, color, religion, sex, national origin, age, disability, pregnancy, family status, etc.)?
- Has the employee taken any protected leave over the past year?
- Have you disciplined other employees for this same general rule violation or performance issue? If not, why?

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Possible Termination Questions

- Has the level of discipline imposed been substantially the same for the same violation or performance deficiency for other employees? If not, why?
- Have you failed to discipline for the same general rule violation or performance deficiency, even though some other employees may have been disciplined for it? **If so, why?**
 - **TIP:** *Always be prepared to treat your “opportunity” employee the same as you do your “best” employee. In other words, if you’d do something for your best employee, you need to be prepared to do it for your worst*

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Can I Fire?

- ***“Employment at Will”*** means either the employee or the employer may terminate the employment relationship at any time, for any reason or no reason...as long as the reason is not illegal
- Employers cannot fire an employee to discourage or punish him/her from making a claim under the law
- Employers may not fire or discipline employees if the reason is discriminatory
- The burden of proof to show the reason for termination was not for illegal reasons is on the employer *not the employee*
- ***Utilize TMLIRP’s Call Before You Fire line at 1-800-537-6655 ask for legal AND Partner with your HR/Legal Team***

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Offboarding Example ***“Tasks for Involuntary Employee Departure”*** – BambooHR.com

- Review documentation of process leading up to termination, and ensure you have the following:
 - A. Documentation that the employee was notified verbally and in writing of any and all infractions, including poor performance reviews, verbal and written warnings, and suspension. Ensure that clear instructions on how to improve performance were communicated verbally and in writing, and that the consequences of not adjusting were made clear.
 - B. Documentation that the employee was provided with employment policies, procedures, and policies that clearly define employee standards, expectations, and responsibilities.
- Review relevant state and federal laws regarding “at-will” employment.
- Ensure that any retaliatory public policy exceptions like workers compensation or FMLA aren’t at play.
- Ensure that any possible wrongful termination or discriminatory actions were not taken based on the following factors determined by the EEOC: age, disability, ethnic or national origin, color, race, religion, gender identity, sexual orientation, or veteran status.
- During the termination interview, inform the employee verbally and in writing of the status of their final paycheck, any severance pay or package, and when any additional benefits end.
- Provide the employee with any end-of-employment paperwork they need to review and sign, including healthcare, unemployment, and retirement benefits, along with reminders of when the paperwork should be signed and returned by.
- Follow company protocols for assisting the employee in gathering their belongings and removing them from the workplace.

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For Cause Termination Suggestions

- Ensure the employee is not a danger to themselves or other employees, contact law enforcement for assistance or to report illegal acts
- Include the employee's supervisor and a Human Resources Representative, or the supervisor's manager (*check your policy and always have a neutral witness*)
- Remain polite and respectful
- Do not allow the employee to argue or debate the circumstances around the termination
- Obtain all property and/or equipment issued
- Discuss exit processes including final pay, insurance, COBRA, retirement, etc.
- Escort the employee out of the building with the understanding that if they return to the work area they will be trespassing
- Don't gossip

Consult with your HR Department and Legal Counsel for your organization's process

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Non-Performance Termination Suggestions

- Include the employee's supervisor and either a Human Resources representative or the supervisor's manager (*check your policy and always have a neutral witness*)
- Be straight forward, civil, concise and compassionate
- Provide termination paperwork
- Respect the person's dignity, allow them to speak or ask questions
- Don't become angry or argue with the employee (stay on script)
- Collect all property/equipment issued or determine its location or a time to return
- Give the employee a choice about who among the meeting attendees will walk them out of the building. Give the employee a choice about whether he or she wants to remove personal items from their workstation either now or after hours. They may ask you to box up their belongings and make arrangements to get it later
- *Consult with your HR Department and Legal Counsel for your organization's process*

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Think Abouts

- Be alert – always consider your actions and the actions of your employees
- Follow your organizations policies
- Document
- Build consensus and consult with your HR representative and your legal counsel
- Remember the two things we GET to do as supervisors
 - Protect the Organization
 - Grow the Employee

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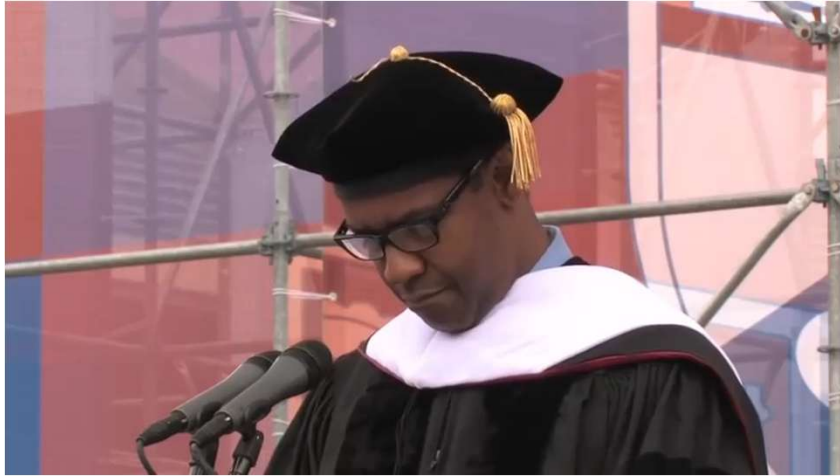


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Falling Forward*



*<https://youtu.be/2sHc581qEQc?si=bYGafxar7zvPuxtt>

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Value of "Falling"

- **"Learn to pick ourselves up"**
 - How?
 - Why is this valuable for growth?
- **Growth through Mistakes**
 - What message does it send someone else if I "fall"/fail and admit my mistake?
 - What message does it send if I ask for help?
- **Discipline**
 - What is the root of this word?

While we don't set out to fall/fail, growth can happen IF we see this as an opportunity to get back up and not stay on the ground.

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You are each at the heart(beat) of your organizations and are daily impacting something bigger than self by breathing life into your mission, vision and values.

YOU Matter...
YOU Make a Difference...
YOU Are Investing Your TIME in




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"Act as if what you do makes a difference. It does."

William James

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QR Code for Presentation



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OUR WHY? To partner with local governments so that Texas communities are **STRONGER TOGETHER**

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