

**Module 11 Managing Employee Performance, Unit 01 Handling Performance
Progressive Discipline Process at the US University of Iowa**

<p align="center">Counseling and Restatement of Expectations</p>	<p>Counseling and Restatement of Expectations Counseling by the immediate supervisor is the initial step to mentor or coach performance.</p> <ul style="list-style-type: none"> • Meet with the staff member and affirm expectations regarding performance. • Discuss the performance deficit or behavioral concern. • Provide a timeline and resources for improvement. • Report consequences for no improvement. • Document for an anecdotal file.
<p align="center">Written Reprimand</p>	<p>Written Reprimand At this time, the immediate supervisor may want to consult a Human Resources representative. After an investigation, follow the procedure outlined above for the counseling process, with the exception of providing documentation to the employee in a letter of reprimand. The letter should outline previous informal efforts and the current problem. Send copies of the signed letter to the department personnel file, proper University authority, and the respective Union, if applicable.</p>
<p align="center">Short Suspension (or Equivalent)*</p> <p align="center">Long Suspension (or Equivalent)*</p>	<p>Suspension or Equivalent Fully investigate the concern, followed by discussion with the employee. Summarize previous progressive discipline and the current problem, and specify the timeframe for suspension in writing. Identify further discipline and possible termination as a potential consequence for not meeting and maintaining standards for improvement. Provide copies as for the written reprimand.</p>
<p align="center">Termination</p>	<p>Termination Termination may be necessary when discipline is not successful in improving performance. Review the work history and record of progressive discipline with proper University authority. Schedule a final meeting with the employee and conduct a meeting at which a letter of termination is provided. If necessary, the termination notice may be sent via certified mail. Provide copies as for previous disciplinary measures.</p>

***Salary reduction cannot be imposed on professional and scientific and faculty staff, due to union contracts**

1. Notice

- Prior to imposition of discipline, employee must have notice of rules and expectations.
- Establish through:
 - New employee orientation
 - Orientation checklists
 - Receipts for departmental handbooks
 - Periodic reinforcement/coaching

2. Reasonable Rules and Orders

- Cannot be inconsistent with collective bargaining agreement(s)
- Cannot be arbitrary or capricious
- Must be reasonably related to business necessity

3. Investigation

- Must be thorough; consider all evidence, pro and con.
- Must be timely:
 - Should be completed expeditiously
 - Occurs before discipline imposed
 - Give accused opportunity to respond (Loudermill hearing).
 - Allow union representation (Weingarten rights).

4. Fair Investigation

- Result must not be forgone conclusion.
- Test assumptions/bias.

5. Proof

- Level of proof is normally substantial evidence.
- Greater proof required for more serious allegations.

6. Equal Treatment

Equal treatment must be balanced against just application:

- Rules must be applied even-handedly and without discrimination.
- Rules must be applied justly.

• Don't blindly apply the same rule to all situations—managers/supervisors are expected to exercise judgment.

7. Penalty

- Must be fair, not arbitrary and capricious, or based on emotional response.
- Factor in length of service, prior performance history, and previous progressive discipline.

Source: Reprinted from the University of Iowa's Office of the Vice President for

Research, <http://research.uiowa.edu/pimgr/?get=discipline>
and <http://research.uiowa.edu/pimgr/?get=7 steps> (accessed September 15, 2011).

Sample Performance Improvement Plan

This email is written as a [30/60/90] Day Performance Improvement Plan designed to focus your attention on substantially improving your performance in several key areas.

As was discussed in your most recent performance review dated _____, your performance has been unsatisfactory in several aspects:

1. (list here)
- 2.
- 3.
- 4.
- 5.

This being the case, I have outlined the following Performance Improvement Plan which sets forth objectives that you must accomplish in order to bring your performance up to minimal acceptable standards. The plan is as follows:

- 1.
- 2.
- 3.
- 4.
- 5.

You have [30/60/90] days from today to meet these objectives. I will meet with you twice over the next [30/60/90] days to discuss your progress. Our first meeting will be on _____ at _____ and the second meeting will be on _____ at _____. Both meetings will be in my office.

It is your responsibility to contact me at anytime during this time period regarding your performance and to seek assistance in removing roadblock(s) you may come up against which may impede your progress.

In addition to meeting the specific objectives outlined in this plan, during this [30/60/90] day period, and then thereafter on an ongoing basis, you must demonstrate a commitment to your job and to the Company's values. This commitment must be reflected by continuing to perform your job in a satisfactory fashion, and it must also include working with enthusiasm, creativity and a positive attitude.

If you fail to make the required improvement in the areas identified, you will be terminated at the end of your plan period. However, the Company reserves the right to terminate your employment during the period if it becomes clear you are not making sufficient progress, or for business reasons unrelated to your performance (e.g. misconduct, lack of work). If you make the required improvement, you must continue to perform at a satisfactory level after the performance plan period ends, or you will be terminated.

I acknowledge these performance issues and agree to participate in this Performance Improvement Plan.

Employee Name

Date

Module 11 Managing Employee Performance, Unit 02 Employee Rights
 US State's Acceptance of Employment-at-Will Exceptions

State	Public-Policy Exception	Implied-Contract Exception	Good Faith and Fair Dealing Exception
Alabama	no	yes	yes
Alaska	yes	yes	yes
Arizona	yes	yes	yes
Arkansas	yes	yes	no
California	yes	yes	yes
Colorado	yes	yes	no
Connecticut	yes	yes	no
Delaware	yes	no	yes
District of Columbia	yes	yes	no
Florida	no	no	no
Georgia	no	no	no
Hawaii	yes	yes	no
Idaho	yes	yes	yes
Illinois	yes	yes	no
Indiana	yes	no	no

State	Public-Policy Exception	Implied-Contract Exception	Good Faith and Fair Dealing Exception
Iowa	yes	yes	no
Kansas	yes	yes	no
Kentucky	yes	yes	no
Louisiana	no	no	no
Maine	no	yes	no
Maryland	yes	yes	no
Massachusetts	yes	no	yes
Michigan	yes	yes	no
Minnesota	yes	yes	no
Mississippi	yes	yes	no
Missouri	yes	no	no
Montana	yes	no	no
Nebraska	no	yes	no
Nevada	yes	yes	yes
New Hampshire	yes	yes	no
New Jersey	yes	yes	no
New Mexico	yes	yes	no
New York	no	yes	no
North Carolina	yes	no	no

State	Public-Policy Exception	Implied-Contract Exception	Good Faith and Fair Dealing Exception
North Dakota	yes	yes	no
Ohio	yes	yes	no
Oklahoma	yes	yes	no
Oregon	yes	yes	no
Pennsylvania	yes	no	no
Rhode Island	no	no	no
South Carolina	yes	yes	No
South Dakota	yes	yes	no
Tennessee	yes	yes	no
Texas	yes	no	no
Utah	yes	yes	yes
Vermont	yes	yes	no
Virginia	yes	no	no
Washington	yes	yes	no
West Virginia	yes	yes	no
Wisconsin	yes	yes	no
Wyoming	yes	yes	yes

Bold text indicates a state with all three exceptions.

Italic text indicates a state with none of the three exceptions.

Employee Privacy at XYZ Company

Email Monitoring

Emails can be monitored without prior notification if the company deems this necessary. If there is evidence that you are not adhering to the guidelines set out in the technology or email policy, the company reserves the right to take disciplinary action, including termination.

Website Monitoring

Websites visited during work hours may be monitored without prior notification. If there is evidence that inappropriate websites that violate company policy are visited, disciplinary action may be taken, including termination.

Social Media Monitoring

As a representative of this organization, all posts on social network sites such as Facebook or Twitter should not mention the organization, its customer or suppliers. Your social media websites may be monitored, and if inappropriate posts are made, disciplinary action may be taken including termination.

Signed

Dated

Department