

Progressive Discipline



Participant Guide

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Colorado Department of Transportation

Progressive Discipline



Notes:

This course outlines the Progressive Discipline process with the goal of working with the employee to identify behavior that is not desirable and replacing it with positive behavior. The focus of the course is on TMII's in Maintenance. This course takes 2 hours to complete.

Training Notes:

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Course Agenda



- **Learning Logistics**
- Section 1 – Introduction to Progressive Discipline
- Section 2 – Coaching Employees
- Section 3 – Corrective and Disciplinary Action
- Conclusion

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Training Notes:

Notes:

This course is designed to assist TMIIIs with the actions they need to take to identify poor performance and resolve the issue at the lowest possible level. It is comprised of the following sections:

- **Learning Logistics – This section introduces you to the course, the objectives and expectations**
- Section 1 - Provides an introduction to progressive discipline including the process, the essential elements and what is and is not Progressive Discipline
- Section 2 - Explains the role of the TMIII in identifying when poor performance exists, how to talk to the employee and what to do before, during and after the meeting with the employee
- Section 3 – This section outlines the Corrective and Disciplinary Action process and identifies the requirements for each of the roles
- Conclusion – This section summarizes the course and explains where you can get help if you need it

Course Learning Objectives

At the end of this course, you should be able to:

- Describe the process of Progressive Discipline
- Identify how to resolve performance issues at the lowest possible level to improve employee performance
- Understand the connection between performance management and Progressive Discipline
- Describe the levels (coaching, documentation, Corrective Action and Disciplinary Action) and when they apply to the actions of the employee
- List resources available to the TMIII to help them with the Progressive Discipline process

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Training Notes:

Notes:

The list on the slide above are the high level learning objectives for this course. Upon completing this course you should be familiar with the course and be able to perform all of the listed actions. This slide repeats at the end of the course and you will be shown the course objectives again and can ask questions about anything you do not understand.

Participant Introductions

Please take a moment to share:

- Your name
- Your role within CDOT
- Your expectations of this course



Training Notes:

Notes:

- Please take a moment to introduce yourself to the other participants in the course and the instructor. When you introduce yourself, include you name, role within CDOT and any expectations you may have of the course.

Learning Logistics

- Classroom participation encouraged; ask, answer, and participate in the discussion
- Exercises to practice development of training materials
- Parking lot used to capture questions for in-class follow-up

Training Notes:

Notes:

This course is two hours long and there will not be a break. When you are in the classroom please feel free to ask questions to the instructor and refrain from side conversations. The exercises in this course exist to provide you with a chance to practice the content of the course, so please participate! If there are questions the instructor is not able to answer they will be added to the parking lot. The Instructor will provide an answer to you with three working days.

Your Contributions to Learning

- Please respect the other participants by silencing your cell phones
- Focus on the course, please use the Internet and email over lunch and break times
- Please delay your side conversations until break times
- Attend the entire course to obtain credit for successful course completion

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Training Notes:

Notes:

During this course please:

- Take a moment to turn off, or silence your cell phones. This is your time to learn.
- Refrain from browsing the Internet, sending/reading text messages, or sending/reading e-mails during class
- Participate in the course and listen, and refrain from having side conversations
- Be sure to attend the entire class to get credit for the course; *if more than 15 minutes are missed you will not get credit for attending the class*

Did you know...

The purpose of Progressive Discipline is to...

- Resolve performance issues at the lowest possible level
- Help employees by making them aware of their behavior and help them change it
- Help other supervisors by documenting performance problems

Training Notes:

Notes:

Progressive discipline has a clear purpose: to resolve issues with performance at the lowest possible level. This is accomplished by informing the employee of undesirable behavior and providing them with the tools and the chance to correct the behavior.



Introduction to Progressive Discipline

Progressive Discipline



Course Agenda



- Learning Logistics
- **Section 1 – Introduction to Progressive Discipline**
- Section 2 – Coaching Employees
- Section 3 – Corrective and Disciplinary Action
- Conclusion

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Training Notes:

Notes:

This course is designed to assist TMIIIs with the actions they need to take to identify poor performance and resolve the issue at the lowest possible level. It is comprised of the following sections:

- Learning Logistics – This section introduces you to the course, the objectives and expectations
- **Section 1 - Provides an introduction to progressive discipline including the process, the essential elements and what is and is not Progressive Discipline**
- Section 2 - Explains the role of the TMIII in identifying when poor performance exists, how to talk to the employee and what to do before, during and after the meeting with the employee
- Section 3 – This section outlines the Corrective and Disciplinary Action process and identifies the requirements for each of the roles
- Conclusion – This section summarizes the course and explains where you can get help if you need it

Section 1 Learning Objectives

At the end of this section, you should be able to:

- *Describe the purpose of Progressive Discipline*
- *Identify the roles in the Progressive Discipline process*
- *Identify the Progressive Discipline process at a high level*
- *Understand the connection between Performance Management and Progressive Discipline*
- *Describe what actions do and do not fall under Progressive Discipline*
- *Essential Elements of each Progressive Discipline option*

Training Notes:

Notes:

- Each of the learning objectives corresponds to a slide, or a series of slides, in this section of the course.
- By the end of this section, you should be able to perform each of the listed objectives with the support of the training materials.
- The section objectives are tied directly to the course objectives reviewed at the end of the course.

Terms and Concepts



- **Performance Management** – The process by which CDOT involves its employees, as a group and individuals in improving the organization and accomplishing the goals and objectives
- **Progressive Discipline** – *Is the process of communicating what performance is for the employee and using increasingly severe steps or measures when an employee fails to correct an issue with their performance*
- **Investigate** – *The systematic steps towards seeking understanding of the facts of a performance issue*
- **Document** – *The process of recording the details of a performance event. Typically this includes the date of the event, who was involved, what occurred and any reoccurrences*

Training Notes:

Notes:

- The following terms and concepts are critical to your understanding of this section of the course
- If you do not understand a term, please ask the instructor for additional clarification

Purpose Progressive Discipline



The purpose of Progressive Discipline is to:

- Make the employee aware of their unacceptable behavior and allow them the opportunity to change
- Focus on the behavior that needs to change and not the personality of the employee
- Begin and develop a business/legal case by documenting the employees behavior prior to taking additional action
- Provide training/coaching to enforce rules and expectations
- Communicate what is needed and not confront

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Notes:

The purpose of Progressive Discipline is to work with your employees to develop new behaviors by providing them with the opportunity for performance improvement. This is done by outlining the behavior expected of the employee. Many times talking to the employee and letting them know the behavior needs to change is enough to create the desired change. This is why there is a steady progression in the disciplinary process. The progression should also include documentation of the behavior of the employee. This allows your communication to be about the behavior, for example, "you were late the last two Mondays": instead of. "It seems you have been late a lot lately". Progressive Discipline also allows you to coach the employee on the correct behavior and to create training opportunities if the employee is lacking the required skill set. And finally, the goal is to communicate with the employee to determine if there is a reason for the undesirable behavior, for example, medical appointments for a spouse, that is causing the employee to be late.

In short, we hire and retain great people. Progressive Discipline allows you to work with an employee who may be having a problem and assist them to become productive again. This not only helps the employee, but the organization, as it is often less expensive to help an employee than to hire a new one.

Training Notes:

Roles in the Progressive Discipline Process



The roles in the Progressive Discipline process are:

- Employee
- Supervisor (TMIII)
- 2nd Level Manager (LTC OPS)
- Appointing Authority
- Civil Rights Manager

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Training Notes:

Notes:

The following are the roles in the Progressive Discipline process.

Note: Your region may have different roles than the ones listed here. Additionally, the roles may perform different tasks.

Employee

- Once the employee is informed of the need to change their behavior, their role is to actively work towards changing their behavior. This includes following any directives laid out by the supervisor to help them improve.

Supervisor (TMIII)

- Identifying that a behavior needs to change
- Coaching the employee on the need to change their behavior and informing the employee on what behavior needs to change
- Providing clear examples of what is acceptable behavior
- Explaining to the employee the consequences if the undesirable behavior continues.
- Documenting the behavior of the employee, and the details of the event
- Informing the 2nd level Manager if the pattern of behavior continues
- Providing information to the 2nd Level Manager, Appointing Authority and Civil Rights Manager in timely manner

2nd Level Manager (RTC OPS)

- Using the information provided by the Supervisor to create the Performance Document Form (PDF) or the PIP
- Attending the 6-10 meeting (as appropriate) and approving all informal documentation

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Appointing Authority (RTD or Division Director)

- Working with the second level manager to approve the PDF and/or PIP
- Responsible for all actions related to the Corrective and disciplinary process including ensuring the documentation complies with the due process and procedural requirements; lesser discipline as appropriate for the actions taken by the employee
- The employee has been provided an opportunity to improve prior to Disciplinary Action being taken (as appropriate)
- That all Progressive Discipline is equitable and consistent in similarly situated employees
- Maintaining all documentation for the 6-10 meeting including the review of all documentation submitted by the Supervisor and the 2nd Level Manager
- Drafting all written notices sent to the employee and maintain all timeframes
- Maintaining all documentation for the 6-10 meeting including the review of all documentation submitted by the Supervisor and the 2nd Level Manager
- Conducting the 6-10 meeting issuing applicable disciplinary actions, if required

Civil Rights Manager

- Monitoring and provide guidance to all roles
- Ensuring that all processes are equitable
- Interpreting policy and procedures
- Reviewing PDFs

Training Notes:

Progressive Discipline Process



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Training Notes:

Explain:

- This is the Progressive Discipline process
- The process starts with setting expectations of the employee
- Provide an overview of the graphic and each stage
- Highlight the communication that needs to occur throughout the process

Connect:

- The performance management process of goals with the progressive disciplinary process of setting expectations

Notes:

Progressive discipline is a process that starts with the communication of expectations to the employee. When an employee doesn't perform to the established expectations, coaching occurs to inform the employee of the expectations of the work unit and their behavior. If coaching the employee does not work, then the disciplinary process moves to the first stage of the formal disciplinary process. This is a Corrective action.

Performance Management

The goal of Progressive Discipline is resolve issues at the lowest possible level. This is why the process starts and ends with performance management where the expectations of performance occur. In other words, this is the process of preventing issues by establishing a baseline of behavior. It is also why, during twice yearly planning meeting, you review the department goals, Work Unit Plan, and the Employee's Position Description Questionnaire.

Coaching

The goal of coaching is to create awareness of the need to change. When coaching an employee it is important to monitor and document the behavior of the employee so you are able to provide specific examples of the behavior of the action you want the employee to change. This is also the opportunity to discuss with the employee if there is a source for the behavior that is outside of the control of the employee and connect them with internal CDOT resources, such as FML (Family Medical Leave), EAP (Employee Assistance Program) or other programs instead of a disciplinary process for an event.

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In addition to coaching, the behavior may also be documented using the Performance Documentation Form (PDF) or the Performance Improvement Plan (PIP) in addition to the notes the supervisor has been taking.

Corrective Action

This is the first formal stage of the progressive disciplinary process and does not impact the pay or status of an employee. It occurs after the coaching with the employee has failed or if the employee has committed a serious infraction or violation of policy. It is intended to correct and improve the performance and behavior. During this process, the TMIII provides their documentation to the Appointing Authority for their area and meets with the Appointing Authority who meets with the employee to present the reason for the corrective action and allow the employee a chance to respond. Part of the process is a written statement that the employee needs to change their behavior by a certain date and outline the consequences for not doing so. This letter is sent to the employee and becomes part of the personnel file, but may be optionally removed after a period of compliance by the employee. During this period, it is the responsibility of the TMIII to continue to document the performance of the employee and follow any requirements outlined by the Appointing Authority.

Disciplinary Action

The Disciplinary Action stage includes actions that may impact the pay or status of the employee; prohibition of the promotions and transfers; demotions and dismissal and suspension without pay. It is the responsibility of the TMIII to continue to document the performance of the employee and follow any requirements outlined by the Appointing Authority for employees who are under a Disciplinary Action.

Training Notes:

Actions that Need to be Reported Immediately

- Sexual Harassment
- Workplace Violence
- Discrimination
- Safety Issues
- Felony or Moral Turpitude
- Others based on region policy or protocols



Training Notes:

Notes:

In some cases, the Progressive Discipline process should not be followed and the actions of employee need to be communicated to the Appointing Authority or Civil Rights Manager immediately. This includes incidences of Discrimination, Sexual Harassment or Workplace Violence.

Sexual Harassment

Sexual harassment is a form of sexual discrimination prohibited by Title VII of the 1964 Civil Rights Act. Sexual harassment occurs when an employee's response to unwanted conduct of a sexual nature affects tangible aspects of that employee's compensation, benefits, privileges, or working conditions. Sexual harassment also occurs when conduct of a sexual nature interferes with an employee's work performance or creates a work environment that is hostile or offensive. Sexual harassment may occur between any two people regardless of gender. Sexual harassment may also be found when the sexual conduct of two persons affects a third party.

Workplace Violence

Workplace violence is conduct in the workplace or on state property involving employees or persons who have an employment-related connection with CDOT that include:

- physical acts against persons or property in the workplace, or against CDOT property
- domestic violence occurring in the workplace or on state property
- veiled conditional or direct verbal or nonverbal threats, profanity or statements that harm and/or create an intimidating work environment
- written threats, profanity, cartoons or notes, or other written conduct that threatens or creates an intimidating work environment
- any other acts that threaten to injure or convey intimidation

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Notes:

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Discrimination

Discrimination is the act of treating a person, or group of people, differently based on their race, color, religion, sex (including sexual harassment), sexual orientation, age, national origin, political affiliation, and organizational membership, veteran's status, or disability.

Safety Issues

Actions where the employee did not take responsibility for their safety such as suffering an injury for not wearing appropriate safety equipment, committing a moving violation while driving a CDOT vehicle or hitting a building or parked car or other object with CDOT equipment. Refer to the Safety Action Plan for additional examples and details.

Felony or Moral Turpitude

If the employee is convicted of a felony or any other offence of moral turpitude that affects CDOT or the employee's ability to perform their assigned duties.

Training Notes:

Connection Between Performance Management and Progressive Discipline

Both Performance Management and Progressive Discipline:

- Focus on the performance of the employee
- Require communication
- Are specific to the needs of the employee
- Are evaluated



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Training Notes:

Notes:

Performance Management and Progressive Discipline have some similarities. The first is that both focus on the development and success of the employee.

Performance

With Performance Management the development is outlined over a period of time and the employee is evaluated based on their performance. With Progressive Discipline the development is described after an event, or series of events, that require the employee to change their behavior or develop a new set of skills.

Communication

With both you need to communicate to the employee what your expectations are and the desired outcomes for the new behavior. With both, a clearly defined objective needs to be stated so that the progress of the employee can be measured and tied to the desired outcome and can be communicated to the employee.

Specific to the Employee

Performance Management and Progressive Discipline require specific changes or actions you want the employee to make or to develop.

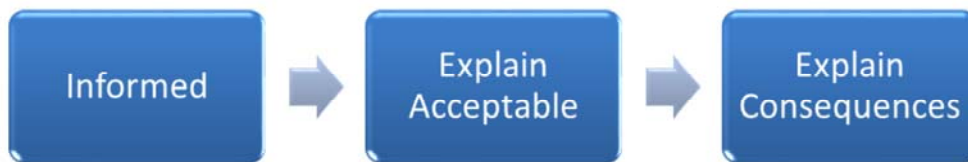
Evaluated

Evaluation of the desired outcomes is required for both Progressive Discipline and Performance Management. While this is not commonly thought about in relation to Progressive Discipline, your employee needs to be able to evaluate their own progress in order to be successful.

Elements of Progressive Discipline

The elements to successful Progressive Discipline are:

- Informing the employee of the need to change
- Explaining what is acceptable behavior
- Explaining the consequences of continued poor performance



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Training Notes:

Notes:

When meeting with an employee about Progressive Discipline is critical to provide the employee with the knowledge they need to change. This needs to happen for each instance where you are coaching the employee. They are:

Informed:

The employee needs to be made aware of the type of change they need to make to move from undesirable behavior to acceptable. For example, "Over the last six weeks, the quality of your work has been slipping. There were three in the work orders you have submitted and they had to be corrected twice before I was able to approve them."

Explain Acceptable:

The next step is to explain what type of actions are acceptable. Carrying on with the example above you would need to explain that this is not acceptable and then provide them with the baseline of what is acceptable. In this case, "It is very important that you understand how to complete your work orders the first time and that if you have questions, you contact me with your questions, instead of submitting a work order you are uncertain about."

Explain Consequences

The last action you need to take is to explain the consequences if the undesirable behavior does not change. During this step be sure to explain that this is not a threat, but a direct result of the actions of the employee's behavior. For example, "If this pattern of behavior continues, then we will need to have you take a course on work orders and it could lead to a Corrective Action if it continues."

Check Your Knowledge

- What are the roles in the Progressive Discipline process in your region?
- What are the elements of successful Progressive



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Notes:

Training Notes:

Answer Question One:

- Employee, Supervisor, 2nd Level Manager, Appointing Authority and CRM

Answer Question Two:

- Informed, Explain Acceptable and Consequences

Ask:

- Each of the questions. The answer will display when you advance the slide

Explain:

- Connect each of the questions with the content of the course

Note:

You can go back to the slide to discuss the answer.

- If you are pressed for time you can go through this faster to make up time
- If the answer is not correct do not use "No" instead use "That's not quite right" instead. This is a gentle correction and does not shut the learner down
- The goal of questions is to reinforce learning. Use the questions to reinforce learning



Coaching Employees

Progressive Discipline

Course Agenda



- Learning Logistics
- Section 1 – Introduction to Progressive Discipline
- **Section 2 – Coaching Employees**
- Section 3 – Corrective and Disciplinary Action
- Conclusion

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Training Notes:

Notes:

This course is designed to assist TMIIIs with the actions they need to take to identify poor performance and resolve the issue at the lowest possible level. It is comprised of the following sections:

- Learning Logistics – This section introduces you to the course, the objectives and expectations
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- Section 3 – This section outlines the Corrective and Disciplinary Action process and identifies the requirements for each of the roles
- Conclusion – This section summarizes the course and explains where you can get help if you need it

Section 2 Learning Objectives

At the end of this section, you should be able to:

- *Describe the Performance Coaching Process*
- *Identify the two types of performance issues*
- *Identify the common signs of poor performance*
- *Describe the actions you need to consider and take to prepare for the session*
- *Identify actions you can take to be successful during the meeting*
- *Preparing for the meeting (set meeting, document examples of behavior, research potential solutions, keep private, policy website)*
- *During the Session – (identify the issue, seek input from employee, identify a solution, clarify the issue, gain commitment, identify the results of behavior and schedule follow up)*

Training Notes:

Notes:

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- By the end of this section, you should be able to perform each of the listed objectives with the support of the training materials.
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Terms and Concepts



- *Employee Coaching* – A meeting between the supervisor and the employee to discuss an issue with the performance or conduct of the employee with the attempt to resolve a performance issue
- *Performance* – The way in which an employee works and interacts with to accomplish their job.
- *Performance Coaching Process* - The process used when there is an issue with the employee's performance that reaches the level that the supervisor needs to meet with the employee to resolve the issue with performance.
- *Conduct* – the personal behavior of the employee during the performance of their work

Training Notes:

Notes:

- The following terms and concepts are critical to your understanding of this section of the course.
- If you do not understand a term, please ask the instructor for additional clarification

Performance Coaching Process



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Training Notes:

Notes:

The slide above shows the Performance Coaching process. The Performance Coaching process is used when there is an issue with the employee's performance that reaches the level that the supervisor needs to meet with the employee to resolve the performance issue. It does not include day-to-day coaching of employees in the performance of their duties or the meetings with employees to create and establish their goals.

Prevention

In some cases, issues with an employee's performance can be prevented by understanding the strengths and weaknesses of the employee and outlining a clear path to improve. This is typically done through the creation of performance goals and following them up throughout the performance plan year.

Identification

Identification of the problem of poor performance can be challenging for the supervisor because they are around the employee and an issue may develop slowly. This can result in the supervisor being acclimatized to the performance issue.

Preparation

Once a performance problem has been identified and rises to the point where the supervisor needs to discuss this with the employee, then quick action needs to be taken to resolve the issue.

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When preparing for the meeting, make sure it is as close to the date of the event as possible, but not so close that you do not have the time you need to prepare. When preparing for the meeting make sure it is in a private space, you have documented examples of why the behavior needs to change, outline examples of what the desired behavior of the employee should be and provide the employee with any policy documents.

Conducting the Session

During the session, discuss the issue with the employee and keep the topic of the conversation about the type of behavior by using only the examples of the performance issues you have prepared. Work with the employee to identify a solution and conclude the meeting once you have gained commitment of the need to change.

Follow-up

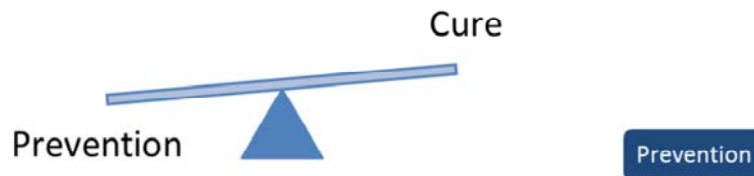
After you conclude the session with the employee, document the results of the meeting and the actions you and the employee need to take to change the performance based on the results of the meeting. Adding any follow-up meetings to the calendar is also a good idea.

Training Notes:

Performance Management and Prevention

There are two types of Performance issues:

1. **Performance** – employee lacks a required knowledge, skill or ability to perform an aspect of their job or is unmotivated
 - Use Performance Goals to create awareness and support
2. **Conduct** – employee acts inappropriately
 - Use coaching to create awareness



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Training Notes:

Notes:

There are two types of issues that lead to an employee needing to be counseled. They are Performance and Conduct. Issues with performance can be prevented through the creation of good performance goals for the employee. Issues with conduct, need to be addressed with the employee directly and may be for a single instance or an ongoing pattern of behavior. Coaching is the best approach to make a positive change to an employee's behavior and is usually a one time event.

Performance Issues (Performance Goals)

The purpose of performance management is for the employee to gain new knowledge skills and abilities and for the supervisor to work with the employee to develop the skills. When you are developing the goals for you employees keep this in mind. The creation of goals is the best way to create awareness of the need for improvement and to guide and track the improvement the employee makes throughout the year. If the employee is unmotivated, then performance management can help you motivate establish goals for the employee that challenge them by sharing their skills with others or by developing new skills. In both cases, you are creating awareness without the performance issue rising to the level of coaching because the support for the employee is built into the performance management process.

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Conduct Issues (Coaching)

Conduct issues occurs when the employee acts inappropriately or unprofessionally. In most cases, this is a one time event, such as not wearing safety equipment or may revolve around a single issue for example, being late to work regularly. The use of coaching in both of the previous examples creates awareness of the performance issue with the employee. This is especially true when you apply the elements of effective coaching by informing them the behavior is not acceptable, explaining what is acceptable behavior for the event and providing details of the consequences.

Training Notes:

Identifying the Signs of Poor Performance



Signs of poor performance include:

- Relying on others to perform common work tasks
- Poor work quality
- Violating Policy and/or Rules
- Ignoring CDOT values
- Missing deadlines
- Not working well with others or negatively affecting others performance
- High absentee rate
- Employee is late or leaves early (without permission)

Identification

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Training Notes:

Notes:

As a supervisor one of the most difficult tasks is to identify when an employee is having an issue with performance that needs to be addressed. There are many reasons for this, however the most common is that the problem with performance occur over time and the supervisor is only aware of the issue once an event occurs that impacts the employee or the team. Ignoring or excusing poor performance results in frustration of other members of the team and may cause other performance issues with other members of the team. The only way to effectively “deal” with the issue of performance is to effectively acknowledge it is an issue and work with the employee to resolve the performance issue. The following are the signs of poor performance:

- **Relying on others to perform common work tasks** – Employee is consistently asking questions other members of their team because they have not mastered the required skill sets of their position or they only perform certain tasks of their job they are comfortable with
- **Poor work quality** – Employee does not possess the required knowledge, skills or abilities of their position resulting in the same errors occurring frequently
- **Violating Policy and/or Rules** – Employee does not understand there is a policy or chooses to ignore the policy because it is “stupid”, “unnecessary” or doesn’t apply to them
- **Ignoring CDOT values** – Employee violates one of the values of Safety, Integrity, People, Customer Service, Excellence or Respect
- **Missing deadlines** – Employee is consistently late with their work or asks for extensions for projects because they are too difficult

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- Missing deadlines – Employee is consistent late with their work or asks for extension for projects because they are too difficult
- Not working well with other or negatively affecting others performance – Employee has conflicts with other employees; other employees find excuses not to work with an employee or the employee will only work with certain of their co-workers
- High absentee rate – The employee is absent on dates when projects are due or the number of absences the employee has is impacting their or their co-workers ability to perform their job
- Employee is late or leaves early (without permission) – When employees cut short their work hours this can be a sign that they may not have enough work or are looking to avoid the work they have been assigned

Training Notes:

What to Consider

When considering Performance and your employee:

- Length of employment
- Does the problem impact workflow or productivity
- Are other employees impacted
- Repetition and frequency
- Mitigating circumstances

Identification

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Training Notes:

Notes:

When to have a discussion with the employee about performance can be tricky, as not all problems rise to a point where they need to be addressed directly with the employee. When reaching this decision consider the following:

Length of employment – How long has the employee worked at CDOT? Is the issue based on old information and the employee does not have training on the new process or is the employee new and is not aware of the CDOT way of doing business?

Does the problem impact workflow or productivity – If the issue with the employee is impacting the workflow or productivity of the team or is it a matter of preference that the work be performed in a certain way?

Are other employees impacted – If other employees are impacted, is this something that you are able to address with the employee or is it a matter that may impact other but is not something you are able to take action on such as the employee has an accommodation that other do not know about.

Repetition and frequency – If the employee has not had many issues in the past, but has a single event and brings it to you such as an error on a form, then this is less severe and may not need to be addressed unless it is repeated or increases in frequency.

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Mitigating circumstances – Employees are people too! Occasionally there are events that may cause a high performing employee to trip up, such as the death of a family member. When this happens, and you are aware of the problem, then this should be considered, as this may not be a performance issue but a short term personal problem.

Taking into account the items listed above will help you to reach a decision about whether or not you need to bring the employee in a coaching session or just request that they try working in a different way.

Training Notes:

Preparing for the Coaching Meeting

Document examples of behaviors

Research potential solutions

Set the meeting with the employee

Print out any documentation you want to provide to the employee

Practice any difficult conversations

Preparation

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Training Notes:

Notes:

When the performance of the employee reaches the point where you need to discuss it with the employee, the following actions will help you to prepare:

Document Examples of the Behavior – Using the Performance Log, document any examples of the behavior you are going to discuss with the employee and be specific as possible.

Research Potential Solutions – When you hold the meeting with the employee you need to provide some potential solutions to the performance issue of the employee. This allows the employee to understand what the desired outcome you have and focus on the solution. Additionally, you should engage the employee in identifying solutions.

Set the Meeting with the Employee – When you set the meeting with the employee be sure to complete the first two tasks. You want to be prepared just in case the employee comes to you with questions.

Print out any documentation you want to provide to the employee – In some cases you may need to provide the employee with copies of materials such as policies or procedures. Be sure to document what you provide to the employee as this will be important if the discipline progresses beyond the coaching meeting.

Practice any difficult Conversations – If you are concerned about any of the conversations then prepare what you are going to say and practice with any of the responses you feel you may receive. This will help you to be prepared for different reactions the employee might have such as being angry, defensive or resentful.

Documenting Behavior

When documenting behavior in the Performance Log always include the:

- Date and time of the event
- Objectively describe the event using the employee’s name
- Provide any details shared by the employee in the description
- Outline the action you took for the event
- List any witnesses to the event

Name of Employee: Mark Reminder (Example of Oral Reminder)

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written Reminder
10/10/16 10:15am	Mark is scheduled to arrive into work at 10:00am. He was late by 15 minutes. He told me that he forgot to put gas in his car and there was a long line. I reminded him is important to be to work on time.	Oral Reminder Observed by: Jane Dendt

Preparation

Colorado Department of Transportation

Training Notes:

Notes:

Tab 01 – Performance Log

To help you with the process of documenting employee behavior a Performance Log has been created. This prints out a small book and can be folded to find into the notebook you carry with you. The Performance Log can be used to describe both good and bad performance.

When you add an entry, you should be objective and not subjective. For example, instead of writing that Mark is not “a team player” (subjective) try “I observed Bill being very short with the other members of his team when they ask him questions. He has a lot of experience to share with them, but when he acts this way towards them they are not able to listen to him and he is not able to share his experience. **I talked to Mark** to remind him that the best way to share his experience is by listening to the question and being patient when providing an answer”.

The Performance Log is NOT intended to micro-manage your employees or monitor their every action. It serves as a tool to remind you to talk to your employee, to correct their behavior or praise them for good behavior, and as good documentation, in case it’s needed for progressive disciplinary actions.

Documenting Behavior



Completing the PDF:

- Provide a brief history of the problem
- State exactly what occurred
 - Names
 - Dates
 - Times
 - Behaviors
 - Actions
 - Words

Preparation

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Training Notes:

Notes:

The Performance Documentation Form is a tool available to you to document the performance of the employee. It can be used to document the same behavior as the Performance Log Performance Log Performance Log, but it requires the signature of both the employee and the supervisor. Remember, Progressive Discipline is a process, and this is one step in the process to create awareness that behavior needs to change. If you have talked to the employee, counseled them and the behavior has not changed them, the PDF is the next step in the progression so you should have notes about the details of the actions you have taken with the employee up to this point.

Just like writing in the Performance Log, you need to provide specific details of what occurred and the actions the employee needs to change; what is different is that you need to provide a background of the series of events that is leading to the creation of the PDF. "I have talked to John twice about the ways he communicates to his peers". Try this instead, I have talked to John about the way he talks to his peers. On the 10th of October John was talking to Mark about the raking asphalt. He raised his voice and used several terms that are not appropriate to the workplace" I have observed this type of behavior three other times in the past. The first time I talked to john was on July 10th and we discussed the best way to communicate. The second time was on the 15th of August. In addition to coaching him about how to talk to others I asked him to enroll in an effective communication course.

The PDF is also a tool to capture good behavior and to give the employee that recognition!

The Performance Documentation form can be found by going to <http://intranet.dot.state.co.us/employees/performance-management/performance-management-tools> and selecting the Performance Document link.

Note: Have the PDF reviewed by your Civil Rights Manager before it is issued to an employee.

Exercise One



Scenario:

- One of your employees, Ralph, who is usually quite conscientious (a 7 year employee), was late for work twice the week before last, late once last week. It is Wednesday April 9th at 9:00am and this will be the second time this week. Ralph's was 15 minutes late. Sarah was working the front desk, and rolled her eyes as he went by.

Action:

- Document Ralph's behavior using the Performance Log



Training Notes:

Notes:

Using the scenario above and the copy of the Performance Log below, document Ralph's behavior.

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written Reminder
		Observed by:

Research Potential Solutions

Now that the problem has been identified, research solutions such as:

- Coaching
- Training / Partnering with an experienced employee
- Verbal warnings
- Explaining processes, policy or procedures
- Agreed upon steps

Preparation

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Training Notes:

Notes:

When you meet with the employee to discuss their behavior, it is important to come prepared with some solutions. Possible solutions include:

- **Coaching** – In many cases, talking to the employee to can be enough to create the awareness about the performance issue that allows them to make a change
- **Training** – Training works when the employee does not have the required skills to perform their job. Another effective solution can be to partner the employee with one that is more experienced
- **Verbal warning** – If the initial coaching session is not enough, issuing the employee a verbal warning as a second step increases the severity of the discussion. When issuing a verbal warning be sure to document why in the performance log
- **Explaining Processes, Policy or Procedures** – Over time even the best employee may become unaware of changes to new policy, processes or procedures. When discussing these with the employee be sure to provide them with a copy and document that you have done so
- **Agreed upon steps** – This may not be as obvious, but as part of the coaching session you and the employee may come up with a solution that is a combination of some of the above, or a new solution. If this occurs, be sure to document the results of the conversation so there is a shared understanding between you and the employee on the course of action you are taking

When Creating a Solution...



Keep in mind:

- Similar actions for similar situations
- Age, race, gender and protected classes should not be considered
- This is a first step towards working with the employee

Preparation

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Training Notes:

Notes:

When you create the solution you want to keep in mind the unique circumstance of the employee, however, you also need to make sure you are treating all of your employees the same way. This process is known as similarly situated.

Similarly situated means you must take into account the tools and discussions you have used with other employees who have had a similar problem in the past. For example, if you had an employee who entered time they did not work and in the past you talked to the employee and provided them with the policy on time entry. Then you should take the same course of action if another employee took this action. If this was the first time for both employees this would make sense. If one of the employees had a series of offences, you might want to take a different, and more serious approach to the performance issue.

When you are considering solutions please keep in mind not to consider the following:

- Age
- Race
- Gender
- Protected classes *

*Reference Title VII of Civil Rights Act

Also, keep in mind that just because you have a solution in mind, when you talk to the employee a different solution may present itself. Be sure to include the employee in the solution and make sure they are heard.

Exercise Two



Scenario:

- One of your employees, Ralph, who is usually quite conscientious (a 7 year employee), was late for work twice the week before last, late once last week. It is Wednesday April 9th at 9:00am and this will be the second time this week. Ralph's was 15 minutes late. Sarah was working the front desk, and rolled her eyes as he went by.

Action:

Discuss possible solutions you would prepare for the meeting with Ralph

E

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Training Notes:

Notes:

Using the scenario above answer the following questions as a member of the

- What are some potential solutions to you would present to the employee?
- Are there any other factors you should consider when creating you solution?

Sending the Request



When sending the request:

- Keep it friendly i.e. "Could you drop by later today?"
- Do not provide details
- Do not call the person out in public
- Wait until you are prepared

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Notes:

Depending on the business needs you may not be able to meet with the employee right after you witness or are made aware of an action that requires coaching. In this case, you may have to send out an email or a meeting request. When you do so, keep it friendly. You do not have all of the details and you do not want the employee to feel like you are accusing them.

Some samples are listed below:

- When you have some time later today can you drop by my office?
- I have a meeting at 3:00pm, but am available afterwards, can you drop by so we can talk?
- I know you are out in the field, could you call me when you reach a place where we can talk in private?
- I am available at 4:00 today, could you please drop by then so we can talk?

When you need to have a coaching session with the employee do not call the person out in front of others or take actions that may embarrass them, unless there is a safety or dangerous situation where it would be appropriate to do so. It is also a good idea to pull together all of the information and prepare before you send out the request as the employee may seek to discuss the issue before you are ready.

Training Notes:

Documentation

Examples of documentation include:

- State Personnel Board Rules
- CDOT Policy and Procedural Directives
- Position Descriptions
- Work aids and documents created by you and your team
- Employee goals in SuccessFactors



Training Notes:

Notes:

When you prepare for the meeting it is a good idea to print out any supporting documentation you may need to give the employee. The following links contain information that may help you provide you employee with information:

- State Personnel Rules can be found at:
<https://www.colorado.gov/pacific/spb/rules>
- CDOT Policy and Procedural directives can be found at:
<http://intranet.dot.state.co.us/resources/policy-procedure/policy-and-procedural-directives>
- Position Descriptions can be found at:
<http://intranet.dot.state.co.us/employees/cdot-positions/position-documents>

Preparing for Difficult Conversations

To prepare for the conversation think about :

- “Buttons” you might push
 - Identify buttons and plans to avoid them
- Don’t assume
 - Ask questions instead on acting on assumptions
- Check your attitude towards the conversation
 - Is there something in your actions that is going to cause the employee to react
 - Be positive and solution oriented
- Reframe the “opponent” as a partner
 - Do not think of the employee as your opponent

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Training Notes:

Notes:

Before you meet with the employee to have a discussion about their performance it is best to prepare for the conversation. While this may sound like common sense many time this is done and we fall into the same traps.

Buttons you Might Push – Think about what you know about your employee and their personal history. What are you going to talk about that may press buttons? Think about ways you can get your point across without pressing any buttons. In other words, how can you redirect the conversation so it does not become about this topic. For example, if you had two employees (Mark and David) who were not getting along. Mark has an argument with another employee and you need to discuss his ability to work with other employees. In this example you might not want to use David as an example and depersonalize it. If Mark were to bring the topic of David up, then you would be prepared to redirect the conversation to be about Mark’s behavior.

Assumptions – It is possible for you to have assumptions about the behavior of an employee. When you go into the meeting it is best to ask questions instead of stating assumptions. For example you might be assuming that this is something that the employee has control of in the first place. There could be a life event, such as a sick child or spouse, that is the cause of the employee being late. If this is the case, then you should be connecting them to the FMLA coordinator and having a different conversation with the employee.

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Check your Attitude – There are times when you might be frustrated by the actions of an employee. Before having a difficult meeting, ask yourself is there something you can change that can make it easier. For example, looking forward to taking action towards a solution instead of dreading talking to the employee.

Reframe the “Opponent” as a Partner – It is natural to think of an employee as an opponent when there is the need to have a difficult conversation. Instead remind yourself they are a member of your team and as such you can ask them for solutions to the problem behavior. In many cases, this may help you reach a solution that you would not have come up with by yourself and it is more effective for the employee as they have been brought into the process of creating a solution. By thinking of the employee as a partner you also eliminate the need for you to “win” and the employee “lose” and changes the conversation you have with the employee.

Training Notes:

Using Your W.I.T.S to Discuss Behavior

When Communicating the behavior:

- **Why** – Provide context on how the behavior impacts others at CDOT
- **Immediate** – Keep the feedback as close to the event as possible
- **Think Small** - Think about the chain of events that leads to success or failure
- **Specific** – Do not make your employees guess about behavior, explain in detail what is needed



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Training Notes:

Notes:

When coaching an employee on their behavior, the best way to remember what to do is to use the acronym W.I.T.S, which stand for Why, Immediate, Think Small, Specific.

Why – When you provide feedback to the employee they need to understand *why* they need to change their behavior. By explaining how their behavior impacts their Coworkers, Maintenance, or CDOT you are creating motivation to change.

Immediate – Try and provide the coaching to the employee as close to the event as possible. However, you do want to allow yourself time to document the behavior, prepare for the conversation. Additionally, it is important to have the conversation in a private place and this may take time if the person is working as part of a road crew.

Think Small – Coaching can be for both good behavior and undesirable behavior. When you provide feedback think about the chain of events. Thinking to bring an additional tool can make the difference between the project taking a couple of hours or a day.

Specific – When you are coaching an employee tell them specifically what they have done right or wrong. For example, instead of saying, “great job this week” you could say, “I noticed that this week you took an extra tool with you, this made a difference in completing the project on time. Great job on thinking ahead and being proactive!” In addition to letting your employees know they are doing right. It is a great management tool to let them know you are paying attention to the work they are doing.

Exercise Three



Scenario:

- One of your employees, Ralph, who is usually quite conscientious (a 7 year employee), was late for work twice week before last, late once last week, and it is Wednesday morning and this will be the second time this week. Ralph's tardiness is usually 10-15 minutes. Sarah was working the front desk, and rolled her eyes as he went by.

Action:

Discuss possible solutions you would prepare for the meeting with Ralph



Training Notes:

Notes:

Using the W.I.T.S discuss how you talk to the employee about the scenario.

Why – When you provide feedback to the employee they need to understand *why* they need to change their behavior. By explaining how their behavior impacts their Coworkers, Maintenance, or CDOT you are creating motivation to change.

Immediate – Try and provide the coaching to the employee as close to the event as possible. Is this the type of event that can wait? What kind of events should not?

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Think Small – Provide details about the chain of the events.

Specific – When you are coaching an employee tell them specifically what they have done right or where they need to improve.

Training Notes:

Follow up

Follow up is important to express the actions both you and the employee need to take. The follow up should include:

- The reason for the meeting
- Why the behavior is not acceptable
- Any concerns addressed by the employee
- The process you and the employee have agreed to improve the employee's performance
- Any actions you need to take

Follow-up

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Training Notes:

Notes:

The goal of the coaching session is to reach a solution that helps the employee to change an undesirable behavior. Once you have held the coaching session it is important to follow up with the employee to let them know the actions both you and the employee need to take towards the solution. This does not have to be a formal email nor does it have to be long. When writing this be sure to include the following sections:

- State the reason for the meeting
- Why the behavior is not acceptable
- Any concerns addressed by the employee
- The process you and the employee have agreed upon to improve the employee's performance
- Any actions you need to take with the employee, such as providing information, weekly meetings to review progress or other actions

The following is a sample email based on the scenario we have used in this section:

Ralph,

We met today to talk about you being late on Monday, Wednesday and Thursday of this week. As we discussed in our meeting it is important to be on time for work because it impacts the performance of the team. I understand that your child has been sick with the flu and that you also had car problems. You also indicated that your car was fixed and your child is over the flu and your attendance will improve.

Continued on next page

Follow up

Follow up is important to express the actions both you and the employee need to take. The follow up should include:

- The reason for the meeting
- Why the behavior is not acceptable
- Any concerns addressed by the employee
- The process you and the employee have agreed to improve the employee's performance
- Any actions you need to take

Follow-up

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Training Notes:

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During the meeting we agreed to monitor the time you come in for the next two months with the expectation that if you are more than **seven** minutes late you will call me and provide a reason as to why you are late. If you are late again during the next two months this could lead to administrative action up to and including Disciplinary Action.

Check Your Knowledge

- What are the five stages of the Performance Coaching Process?
- What should you not consider when creating a solution?



Training Notes:

Notes:



Corrective and Disciplinary Action

Progressive Discipline



Course Agenda

- Learning Logistics
- Section 1 – Introduction to Progressive Discipline
- Section 2 – Coaching Employees
- **Section 3 – Corrective and Disciplinary Action**
- Conclusion

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Training Notes:

Notes:

This course is designed to assist TMIIIs with the actions they need to take to identify poor performance and resolve the issue at the lowest possible level. It is comprised of the following sections:

- Learning Logistics – This section introduces you to the course, the objectives and expectations
- Section 1 - Provides an introduction to progressive discipline including the process, the essential elements and what is and is not Progressive Discipline
- Section 2 - Explains the role of the TMIII in identifying when poor performance exists, how to talk to the employee and what to do before, during and after the meeting with the employee
- **Section 3 – This section outlines the Corrective and Disciplinary Action process and identifies the requirements for each of the roles**
- Conclusion – This section summarizes the course and explains where you can get help if you need it

Section 3 Learning Objectives

At the end of this section, you should be able to:

- Identify when to escalate a performance issue
- Differentiate between a Corrective Action and a Disciplinary Action
- Identify behavior that may need to be escalated to a Corrective or Disciplinary Action
- Identify the roles involved in the Corrective actions process (employee, TMIII, second level manager, civil rights manager)
Elements of the Corrective Action plan (background, expectations timeframe, consequences if not met, statements rights and grievance)

Training Notes:

Notes:

- Each of the learning objectives corresponds to a slide, or a series of slides, in this section of the course.
- By the end of this section, you should be able to perform each of the listed objectives with the support of the training materials.
- The section objectives are tied directly to the course objectives reviewed at the end of the course.

Terms and Concepts



- **Corrective Action** – A written document issued to correct and improve an employee’s performance or conduct. This is the first step of the formal disciplinary process.
- **Corrective Action Plan** – The specific steps the employee needs to take to improve their performance and correct the barriers to being an effective employee
- **6-10 Notification Letter** – This letter notifies the employee they must attend a 6-10 meeting prior to the potential application of discipline
- **6-10 Meeting** – A meeting to exchange information before a decision is made on possible Disciplinary Action.
- **Disciplinary Action Letter** – This letter notifies the employee of disciplinary action


Training Notes:

Notes:

- The following terms and concepts are critical to your understanding of this section of the course.
- If you do not understand a term, please ask the instructor for additional clarification

When to Escalate a Performance Issue

When making the decision to escalate ask yourself:

- 
- Has the employee been notified of the need to change?
 - Have you explained to the employee what is acceptable behavior?
 - Has the employee been provided the opportunity to change their behavior?
 - Have you documented the behavior of the employee and steps you have taken to change performance?
 - Would the employee be surprised?
 - Does the employee's performance evaluation reflect the employee's performance?
 - Does the actions of the employee involve a serious or immediate need for a response, such as workplace violence?

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Training Notes:

Notes:

When to escalate a performance issue can be a very difficult decision. We want our employees to do well. The following are some questions you can ask yourself to determine if escalation to a formal disciplinary process would be appropriate. If the answer to these questions are "no" then you should start Coaching the employee on their behavior and documenting the results of the employees performance before you begin the Corrective Action process. If the answer is "yes" then it may be time to escalate to the performance issue.

Has the employee been notified of the need to change? – If the employee has not been made aware of the need to change then it is not reasonable for you to expect them to change.

Have you explained to the employee what is acceptable behavior? – While we take for granted that employees know what is the correct way to act this might not be clear to the employee. As a supervisor you should both notify the employee of the need to change and let them know what the correct course of action they need to take

Has the employee been provided the opportunity to change their behavior? – This may be the hardest step for a supervisor to take. The employee needs to be given time to change their behavior and should be making progress towards the goal. In most cases, just the awareness there needs to be a change is enough, but sometimes the progress may be a little slower.

Does the actions of the employee involve a serious or immediate need for a response, such as workplace violence? – In some cases, the actions of the employee investigated and reported. Follow the policy or protocol of your region.

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Have you documented the behavior of the employee and steps you have taken to change performance? – If you have not documented the behavior then the pattern of behavior and what you have done cannot be determined. While this may be frustrating, you may want to start from the last event and begin the process of Coaching and documenting the behavior.

Would the employee be surprised? – If the employee is surprised this means that you have not had the conversations you should have with the employee so that they are able to change behavior. The process of Progressive Discipline is to create awareness of the behavior that is undesirable and work with the employee to take actions to change their behavior.

Does the employee's performance evaluation reflect the employee's performance? - It is important that all of the documentation about the employee's performance match with the actions you are taking with the employee. This is to avoid confusion by the employee and challenges if the behavior does not change.

Training Notes:

What is the Difference between a Corrective Action and a Disciplinary Action

Corrective Action	Disciplinary Action
Start of the formal disciplinary process	Next level in the formal disciplinary process
Does not affect base pay, status or tenure	Affects the employee's base pay, status or tenure
	Requires the assistance of ER
	Requires a 6-10 meeting

Training Notes:

Notes:

Tab 02 - Corrective Action Description

Tab 03 - Disciplinary Action Description

Both the Corrective Action and the Disciplinary Action are part of the formal disciplinary process. Both letters are sent to the employee to correct and improve their behavior and are part of the formal disciplinary process. With each of the actions there needs to be a background of the event, the expectations of the employee for improvement, timelines and deadlines if the conditions are not met and statement of the rights of the employee and an explanation of the rights of the employee. The role of the supervisor is to monitor and document the outcome of the plan and work with the employee to improve their performance.

Corrective Action

The Corrective Action is created after there have been repeated efforts to resolve an employee's the employee's behavior and the actions of the employee have not improved or there is a serious event. The Supervisor may write and provide feedback about the creation of a Corrective Action, but it is approved by their Manager.

Disciplinary Action

The Disciplinary Action is created after you have communicated your expectations, provided feedback and coaching and have documented the specific behavior or there is a serious event. The employee is notified of the need to attend a 6-10 meeting where they will be given the opportunity to provide facts about the reason for the meeting. The Appointing Authority will then decide on the type of discipline, if any. Because of the nature of the disciplinary process the Civil Rights Manager is involved in this procedure.

Actions Escalated to Corrective or Disciplinary Actions



The following actions need to be reported immediately:

- Work Place Violence
- Discrimination
- Sexual Harassment
- Safety Issues
- Felony or Moral Turpitude
- Others based on policy or protocols of the region

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Training Notes:

Notes:

As public sector employees, we want our employees to do well and help them with performance. There are actions by an employee that need to be reported immediately to the Civil Rights office or your Manager. They are:

- **Work Place Violence** – Any act or threat of physical, verbal nonverbal or psychological aggression of destruction or abuse of property by any individual.
- **Discrimination** – Any acts that exclude an individual because of their race, color, national origin, sex, disability or age.
- **Sexual Harassment** – Any abusive and humiliating verbal or physical behaviors that are directed against a particular person because of race color, national origin, sex, disability or age.
- **Safety Issues** – Actions where the employee did not take responsibility for their safety such as suffering an injury for not wearing appropriate safety equipment, committing a moving violation while driving a CDOT vehicle or hitting a building or parked car or other object with CDOT equipment. Refer to the Safety Action Plan for additional examples and details.
- **Felony or Moral Turpitude** – If the employee is convicted of a felony or any other offence of moral turpitude that affects CDOT or the employee's ability to perform their assigned duties.

Elements of a Corrective Action letter

The following are the sections of the Corrective Action letter



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Training Notes:

Notes:

Tab 04 Corrective Action Letter Sample

The Corrective Action is the beginning of the formal disciplinary process where the employee is sent a letter informing them of the need to correct and improve their job performance or conduct. A template of this letter has been created and is composed of the following sections:

- **Background** – This section contains the behavior of the employee that is resulting in the letter being issued
- **The expectations for improvements** – This section outlines what is acceptable behavior for the employee
- **The time frame and deadlines to make the correction** – Not all of the changes to the employee's behavior are immediate. This section has a timeframe for the employee so they understand when they need to model the new behaviors.
- **The consequences to expect if conditions are not met** – This paragraph outlines what will happen to the employee if they do not meet the expected changes by the deadline that has been established
- **A statement advising the employee of the right to submit a written explanation** – This section is standard language about the rights of the employee to submit a written explanation of the events outlined in the letter and have it placed in the personnel file.
- **A statement advising the employee of the grievance process and the right to grieve a Corrective Action** – This provides further details of rights of the employee




Check Your Knowledge

What is the difference between the Corrective Action and the Disciplinary Action?




Training Notes:

Notes:



Conclusion

Progressive Discipline



Course Agenda

- *Learning Logistics*
- *Section 1 – Introduction to Progressive Discipline*
- *Section 2 – Coaching Employees*
- *Section 3 – Corrective Action*
- *Section 4 – Disciplinary Action*
- **Conclusion**

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Training Notes:

Notes:

This course is designed to assist TMIIIs with the actions they need to take to identify poor performance and resolve the issue at the lowest possible level. It is comprised of the following sections:

- Learning Logistics – This section introduces you to the course, the objectives and expectations
- Section 1 - Provides an introduction to progressive discipline including the process, the essential elements and what is and is not Progressive Discipline
- Section 2 - Explains the role of the TMIII in identifying when poor performance exists, how to talk to the employee and what to do before, during and after the meeting with the employee
- Section 3 – This section outlines the Corrective and Disciplinary Action process and identifies the requirements for each of the roles
- **Conclusion – This section summarizes the course and explains where you can get help if you need it**

Conclusion

You should now be able to:

- Describe the process of Progressive Discipline
- Identify how to resolve performance issues at the lowest possible level to improve employee performance
- Understand the connection between Performance Management and Progressive Discipline
- Describe the levels (Coaching, Corrective Action and Disciplinary Action) and when they apply to the actions of the employee
- List resources available to the TMIII to help them with the Progressive Discipline process

Training Notes:

Notes:

- The slide above contains what you should now be able to do with the help of the training material. If you have questions about the content after this course refer to the next slide for the name and contact information of the people who can help.
- If you have a question now, please ask. You will have another chance at the end of the course, after we discuss where you are able to get help and the resources that are available to you.

Where Can I Get Help – People?

For additional assistance contact:

Region	Name	Email	Phone
One	Kathy M. Williams	kathy.williams@state.co.us	303-757-9386
Two	Mary Vigil	mary.vigil@state.co.us	719-546-5432
Three	Chip Brazelton	chip.brazelton@state.co.us	970-683-6210
Four	Juliet Sheets	juliet.sheets@state.co.us	970-350-2156
Five	Jason Benally	jason.benally@state.co.us	970-385-1403



Notes:

If you are uncertain on how to proceed with the Progressive Discipline process:

1. Start with contacting your Supervisor for help with the process
2. If you still have questions, contact the Civil Rights Manager for your region.
3. Additionally, you can contact Christine Andersen in Employee Relations via email at Christine.Andersen@state.co.us or by phone at 303-512-5449 if you are uncertain if the level of the behavior is appropriate for Progressive Discipline.

Training Notes:

Other CDOT Help Resources

The following resources are available:

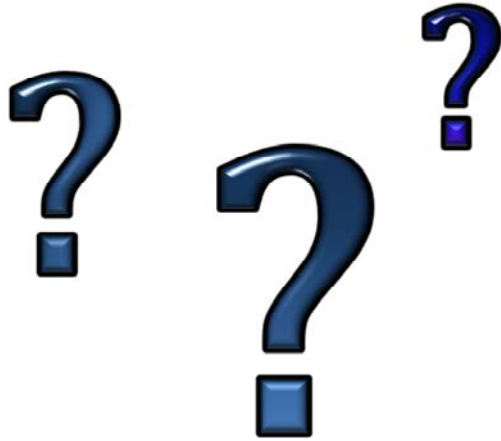
- Access information about Corrective and Disciplinary Actions at:
 - <http://intranet.dot.state.co.us/employees/performance-management/Corrective-disciplinary-actions>
- Sample letters for Corrective or Disciplinary Actions:
 - <http://intranet.dot.state.co.us/employees/performance-management/sample-letters>
- List of Appointing Authorities:
 - <http://intranet.dot.state.co.us/employees/appt-authority>

Training Notes:

Notes:

There are quite a few resources you can access online. The first link takes you to a website about what constitutes a Corrective or Disciplinary Action and provides details about what it is and when it should be used. Additionally, you are able to access a template of a correct action plan. The second link takes you to sample letters you can view to help you document Corrective and Disciplinary Actions. The last is a link to the role of the Appointing Authority.

Questions?



Colorado Department of Transportation

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Training Notes:

Notes:

If you have any questions about the Corrective or Disciplinary Action process after the class contact your Regional Civil Rights Manager. The link to the contact details can be found at:

<http://intranet.dot.state.co.us/employees/Contacts/documents/regional-civil-rights-managers>.

All questions placed in the parking lot and not answered during this course, will be sent to the training group within three working days after the course is complete.



Tab 1 – Performance Log

Performance Log

Confidential

If found please return to:

Use of the Performance Log

The Performance Log is designed to allow you to keep track of the performance of your employees. Please keep the following in mind when using this log:

- It is designed to track both positive and negative behavior
- It is designed to be an objective log of your observations please do not include any comments that are opinionated, derogatory or you would not want read by someone else
- It should not be used to track daily behavior

Name of Employee: John Kudo (Example of Kudo)

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
09/18/16 9:00am	Today I received an email from a citizen who had their wallet returned by John who found it on Monday 09/17/16. I passed the email on to John and talked with him to let him know this is in keeping with the CDOT value of integrity.	Kudo Observed by: Fred Smyth

Name of Employee: Mark Reminder (Example of Oral Reminder)

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
10/10/16 10:15am	Mark is scheduled to arrive into work at 10:00am. He was late by 15 minutes. He told me that he forgot to put gas in his car and there was a long line. I reminded him it is important to be to work on time.	Oral Reminder Observed by: Jane Dendt

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
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Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
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Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
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Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

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Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
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Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
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Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:

Name of Employee:

Date/Time	Description of Event (Who was involved, What happened)	Oral Reminder /Kudo/ Written
		Observed by:



Tab 2 – Corrective Action Description

What

- A Corrective Action is a written document issued to **correct and improve** an employee's job performance or conduct.
- Corrective Actions do not adversely affect an employee's current base pay, status, or tenure.
- The Corrective Action begins the formal progressive discipline process. It puts the employee on formal notice that this is a serious problem that needs to be corrected. It provides formal documentation that the employee and the supervisor have communicated on the need for correcting and improving behavior or performance.

Why

- Abuse of absences or tardiness
- Unsatisfactory performance
- Failure to comply with CDOT rules and regulations

When

When you have made repeated efforts to resolve an employee's behavior or performance problem and it has not helped.

How

A Supervisor or Division Manager starts the Corrective Action Plan by using a [Word template](#).

The Corrective Action Plan Contains

- The background of the event.
- The expectations for improvements.
- The time frame and deadlines to make the correction.
- The consequences to expect if conditions are not met.
- A statement advising the employee of the right to submit a written explanation.
- A statement advising the employee of the grievance process and the right to grieve a corrective action

Final Steps

- Meet with the employee to discuss the Corrective Action Plan.
- Meet with the employee prior to the allotted time frame.
- Supervisor documents the outcome of the plan.



Tab 3 – Disciplinary Action Description

What

- A Disciplinary Action is a written letter issued to improve and impose punishment as a result of an employee's performance or behavior.
- Disciplinary Actions are given to adversely affect an employee's current base pay, status or tenure.
- The Employee and Appointing Authority must attend a 6-10 meeting prior to the decision and administration of discipline.

Why

- An employee's actions or behaviors are in violation of agency rules or laws that affect the ability to perform the job.
- Previous attempts to improve performance have been unsuccessful.
- Employees is convicted of a felony or other offense of moral turpitude which affects the Department or the employee's ability to perform the job.

When

After you have communicated behavior expectations, provided feedback and coaching, documented the continuous behavior or serious event, a pre-disciplinary hearing can occur. Once the employee has had an opportunity to provide his or her facts during the 6-10 meeting, the Appointing Authority should decide the type of discipline, if any.

How

Most supervisors will need the assistance of the HR Department to correctly administer a Disciplinary Action. After you have contacted HR, you can review some tools developed to help you through the process.



Tab 4 – Corrective Action Letter

SAMPLE CORRECTIVE ACTION LETTER

Rev. 1/15

Instructions: (Do not include these instructions in the letter to the employee)

1. It is recommended that this letter be reviewed by your Regional Civil Rights Manager and for Headquarters staff, by Employee Relations prior to issuance.
2. Copy this sample to your letterhead and complete the sections as indicated below.
3. Send letter certified mail, return receipt requested or hand-delivered. If hand delivered, have the employee sign and date to verify receipt.
4. Following issuance provide a signed copy of this letter electronically to CDOT_HRpersonnel@state.co.us for the personnel file; to your Regional Civil Rights Manager, or for Headquarters staff to Employee Relations dot_employee_relations@state.co.us

[Date]

[Last known address]

Dear *[Prefix]* *[Name of employee]*:

This letter is a formal corrective action pursuant to State Personnel Board Rule 6-11. It is being issued to improve your *[performance/behavior]*.

[In this paragraph describe the actions that resulted in the corrective action being issued (e.g., you have been late to work four times during the past month and continue to arrive at work late even though we have had several discussions about your working hours). Make certain that the employee's performance evaluation does not conflict with your assessment of the problem(s) and that your description of each incident is indisputable. An outline form is typically easier to use and to understand. Also, refrain from giving personal opinions or diagnosis].

[Include previous attempts made to assist the employee (performance evaluations, corrective actions, confirming memos, educational memos, discussions, etc.).]

[This paragraph should describe what the employee must do to improve and/or correct the situation (e.g., you must arrive at work by 8:00 each morning and call your supervisor no later than 7:45 if you will be late). This portion is critical. It is not a corrective action without it.] [State the time frames/deadlines the employee has to improve (e.g., you cannot be late to work more than two times during the next three months). The improvement period must be reasonable and in accordance with the nature of the problem. In some cases, the improvement must be immediate and no time period is given (e.g., effective immediately and ongoing, you are to.....)].

Failure to comply with the requirements of this corrective action may result in further corrective and/or disciplinary action, up to and including termination.

You have a right to submit a written explanation to this corrective action that will be attached to each copy of this corrective action. If you wish to protest this corrective action, you may initiate the grievance process as stated in State Personnel Board Rule 8-8.

To do so you must notify me no later than 10 calendar days after receipt of this corrective action. If you are dissatisfied with the results of that meeting and wish to continue the grievance process, you must put your grievance in writing and give it to *[Appointing Authority or delegated designee]* within 5 calendar days from receipt of my written decision.

If your grievance also alleges discrimination, it must be put in writing, signed and mailed or delivered to the State Personnel Board, 1525 Sherman St., 4th Floor, Denver, CO 80203, phone (303) 866-3300, fax (303) 866-5038, within 10 calendar days from receipt of this notice. Standard appeal forms are available online at www.colorado.gov/pacific/spb. If you file an appeal, also send a copy to Headquarters, Employee Relations.

I hope this information is clear. If you have any questions, please contact *[identify your Regional Civil Rights Manager or for Headquarters, Employee Relations]* or you may call my office.

Sincerely,

[Appointing Authority]

c: *[Add other appropriate individuals]*
Personnel File