

EMPLOYEE RELATIONS

Notes

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Quote of the Month

Failure to deal with problem employees is often not because of lack of will, but rather lack of knowledge..."

– G. Jerry Shaw
FPMI Communications

Introduction

Often a manager will tolerate a problem employee for a considerable period of time, so when he or she finally does take remedial steps, it seems too late.

By this time, the employee and the supervisor are in conflict, the employee believes that he or she is being singled out, everyone is frustrated and hours are lost trying to fix the problem. Letting a problem linger can result in loss of effective performance for the manager and/or possible termination for the employee.

There is no need to let things get out of hand! You can learn to take corrective actions immediately to deter future misconduct. You will see that disciplinary action is not punitive, but rather a very helpful tool to correct behavior.

In this issue of Employee Relations, we will introduce you to the concept of misconduct in the Federal work place, provide examples of common types of misconduct, and give you a few tips to help you address issues in the event you experience misconduct in your organization. Remember, the purpose of this publication is to provide you with bits of information to help you. If you are experiencing a problem with misconduct in your organization, please do not hesitate to call your servicing Employee Relations Specialist.

Martine Palmiter
Employee Relations Specialist

Misconduct

The last two issues of Employee Relations focused on performance issues. We reminded you that when an employee is *unable* to do the job, it may be a performance problem. When an employee *won't* do the job and it is reflected in *observable* actions, it's a misconduct problem.

The most important concept is that in taking disciplinary action, *the efficiency of the Service will be promoted*. In other words, does the employee's misconduct affect the agency's ability to get its work done? Does it affect your ability or your staff's ability to get the job done? Did the employee break a rule? Did the employee do something that was inherently wrong? If so, it's a misconduct problem.

Common Types of Misconduct

Misconduct takes many forms. Too many to list. However, there seem to be some common types of misconduct that recurs in Federal workplaces around the country. Here are some of them:

- Tardiness
- AWOL (Unauthorized absence)
- Abuse of sick leave
- Failure to follow supervisory instruction
- Disrespectful behavior
- Falsification of official documents
- Making false statements
- Fighting
- Sexual Harassment
- Misuse of Credit Card/Government Property
- Discrimination
- Ethics violations
- Neglect in the performance of duties
- Scientific misconduct

Dealing with Misconduct

As a Federal supervisor or manager, you've got a lot on your plate. You have a mission to support and deadlines to meet. You are expected to keep your staff happy and your line management happy at the same time. You may feel like you don't have time to deal with misconduct problems. The reality is, you don't have time to ignore them. Misconduct impedes the accomplishment of the mission and may lead to missed deadlines. When you ignore misconduct, it leads to morale problems among the rest of your staff and further acts of misconduct. It may result in a concern among your line management that you do not take care of problems in your organization.

So, what should you do if you think you have an issue of misconduct in your organization? The most important thing to do is address the issue early on, as soon as you first become aware that there might be an issue. Start by looking into the matter to determine whether or not misconduct occurred. If it did, start by using progressive discipline to correct the behavior. Progressive discipline simply means starting with the least serious penalty which will correct the problem, and implementing stronger penalties for subsequent offenses. Often, a gentle reminder of the rule, counseling, or a letter of caution will suffice. For more serious misconduct, or subsequent offenses, formal discipline, such as an Official Reprimand or Suspension may be necessary to ensure that the behavior is not repeated.

Document! Document! Document! We can't stress this enough. Keep a folder of all notes of counseling sessions, conversations, or e-mails to and from the employee regarding the problem, witness statements to improper activities or actions, and any paper records of possible misconduct.

Always remember that the Employee Relations Staff is here to help you. Don't hesitate to call your servicing Employee Relations Specialist to get help. We can help you investigate, determine whether misconduct occurred, the nature of the misconduct, and the most appropriate measures to correct the behavior. If formal discipline is in order, your servicing Employee Relations Specialist can ensure that you avoid procedural errors that can get your disciplinary actions overturned. In fact, if you plan to take formal discipline to correct behavior, you must contact the Employee Relations Branch for assistance.