

EMPLOYEE RELATIONS NOTES

3rd Quarter 2006
For the REE Agencies, USDA

Employee Relations Branch (ERB), HRD, ARS
301-504-1355

For management advice on issues of Employee Relations and Government Ethics, please do not hesitate to call your servicing specialist.

All past issues of ER Notes are now on the Employee Relations Branch (ERB) webpage at <http://www.afm.ars.usda.gov/hrd/er/index.htm>.

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Counseling-Face to Face



Counseling is a process occurring between a supervisor and an employee that has as its objective some positive change in the employee's behavior or performance.

- You will usually need more than one meeting before a problem is resolved. You can't view counseling as a one-time occurrence. If you don't get the change in the employee that motivated you to do the counseling, you've wasted your time. The only way to ensure that you get a lasting change is to stay on top of the situation.
- You identify the need for some change, communicate that need to your employee, and work together in a good-faith effort to bring about the desired change.

- You need to have an objective for every counseling meeting. Without objectives, you won't have a plan. Without a plan, you lack control of the counseling process and might find yourself on the defensive.
- You should also counsel employees in order to maintain a certain level of performance or to reinforce certain behaviors. If you do this, it will be easier to deal with counseling when you observe a problem.
- There are many skilled, competent employees who don't behave the way you want. There are also many employees who really try hard but lack the knowledge or skill needed to perform acceptably. When dealing with conduct problems, the directive approach works best; but the non-directive approach works best with employees having performance difficulties. The first and most important thing you need to determine is whether you're dealing with someone who wants to but can't (performance) or is someone who just doesn't care (conduct).

These are the obstacles you can expect to face during the counseling process:



- **Fear** Counseling is not a pleasant experience. Even experienced supervisors worry as they enter the counseling process. Use your fear to help develop sound counseling objectives and an effective plan. Share your worry by notifying your employee the day before that you're planning a meeting and its exact purpose. This will allow him to be prepared to discuss the problem, and you can deal with it more efficiently.
- **Denial, Disbelief, and Ignorance** This is a common initial defense to counseling, although most problem employees know they are problem employees. To overcome denial or feigned surprise, you must be prepared with facts to prove there is a problem. You must also attack problems early because the longer you let a problem go on, the more right the employee has to claim ignorance.
- **Time** Effective counseling takes time. Generally, performance counseling takes more time than counseling about a conduct issue. The old adage that you spend 90 percent of your time on 10 percent of your employees is true. The only way to resolve the time problem is to make your counseling meetings as productive as possible. This can be accomplished with proper planning and preparation. Another saying, "Pay me now or pay me later," is also true. You are going to spend the time one way or the other.
- **Space** Counseling must be a private process where you and your employee feel free to speak. Having desks or tables available will allow each of you to take notes. Finding adequate space is a function of proper planning for the counseling meeting.

- **Representatives** Generally speaking, an employee has no right to representation at a *counseling* meeting. Federal labor law gives employees the right to union representation at *investigative* meetings. If the purpose of your meeting is to counsel your employee, but not to elicit facts that might be used for disciplinary purposes later, the meeting is not investigative. This would apply to most performance discussions. If you intend to ask questions of your employee that he believes could lead to disciplinary action and your employee requests representation, you must allow your employee to bring in a union representative. A properly-stated objective will assist you in determining the type of meeting you want to conduct and whether you will be seeking specific facts from your employee, or merely communicating a problem and how it might be corrected. If your employee is covered by a union contract, read it. If you still have questions, talk to your Employee Relations Specialist (ERS).
- **The Aftermath** There are two things you should do immediately after conducting a counseling meeting. First, observe your employee's behavior or performance regarding the matter which brought about the counseling. Most employees will make an effort to improve; but if you see open defiance, you must take immediate disciplinary action. Second, maintain business as usual. You want to convey that the problem has been addressed, but in working on the problem, no other aspects of your relationship have changed.

Several things you can do to make your counseling meeting more effective are:

- **Shut Up and Listen** The single biggest weakness of supervisors in counseling employees is they talk too much. *The more you say, the more you will have to defend.* When your plan calls for the directive approach to counseling, usually for a conduct problem, you probably will do most of the talking. When you have a performance problem and want to hear your employee's story or get your employee's view of how it might be solved (non-directive approach), you'll need all the listening skills you can acquire.
- **Appear To Be Listening** A theorist once suggested that 75 percent of all communication between individuals is non-verbal. Body language is a factor you must consider if you're to be successful at employee confrontation. If you're going to get full, honest input from your employees, you must have the appearance of being interested. Note taking and nods and grunts, if not overdone, can indicate interest and keep your employee talking. You must be careful to convey interest, not necessarily agreement, when using these techniques. Finally, you must be sure that counseling sessions have no interruptions.



- **Use Clear Language** Many supervisors make the mistake of trying to soften the blow by using vague language. Clear language defines the problem and allows your employee to focus on his improvement efforts. It is more difficult for your employee to claim later that he didn't understand your expectations if you use clear language.
- **Be Careful with Praise** When you counsel, you're doing so because there is a problem. Attack the problem; don't hide it. Praise can mislead your employee into thinking he's doing better than he is. It can make a big problem seem minimal. While praise may make your employee feel better in the short term, the objective of counseling is to solve a problem. Anything that gets in the way of the objective damages your employee in the end. That being said, praise can and should be used under certain conditions. First, it must be sincere. Second, praise must *look* sincere. It must be used in a counseling meeting at a time when it appears to be honest. Usually, you'll find an opportunity toward the end of the session to compliment your employee for his contributions, but only if it's the truth. Whether or not you praise your employee should be part of the planning process.
- **Know Your Limitations** Some problems experienced by employees at work have their origins elsewhere. Most supervisors are not prepared or qualified to counsel employees on these problems. You should restrict your counseling efforts to identified performance or behavioral problems related to your employee's work. If it becomes apparent that your employee has other problems that may be impacting his work situation, you must encourage him to get help from qualified professionals. Refer him to the Employee Assistance Program (EAP) for help in dealing with personal problems.
- **Document, Document, Document** Counseling will not always bring about the desired change. If it doesn't work, a disciplinary or performance-based action must follow. You should make it a practice to document every counseling session you hold with your employees. You don't want to lose a grievance or appeal because you can't prove you counseled your employee. Brief notes are sufficient documentation of counseling sessions for minor rules violations. They should include the date of the violation, a brief statement of the facts, your actions, and your employee's response. This is enough to show your employee was aware of the policy and your expectations. These notes are for you to refresh your memory if the violation is repeated. There is no requirement your employee see the note, or even be aware of it, unless formal action is taken. Keep all your notes about employees in one common location. Don't create a file for each employee. That way, you have not developed a system of records which might have to be declared under the Privacy Act. *For detailed information about documentation, refer to the 1st Quarter, 2006 ER Notes.*



The supervisors who are most successful at employee counseling are those who are able to use the style and approach that best fits the situation. The situation is determined by the type of problem the supervisor is confronting and the employee causing the problem. The two styles of counseling are:

- ✚ **Directive Counseling**—*I talk; you listen.* When this method is used, you will lead the counseling session, usually doing most of the talking. Directive counseling is usually appropriate when you're counseling an employee about a conduct problem. Directive counseling meetings are usually well planned and brief. You know in advance what



you're going to say. You'll tell your employee what the rules are; describe his behavior, listing specific examples, that necessitated the counseling meeting; and advise him of the behavior you expect in the future, as well as the consequences of not conforming to your wishes. The

directive approach doesn't stifle employee input, but you control the direction and content of the meeting.

- ✚ **Non-Directive Counseling**—*you talk; I listen.* Using this approach, you turn some of the leadership of the meeting over to your employee. While you remain in control of the counseling objective, responsibility is placed on your employee's shoulders to come up with solutions to the problem. *If you are going to use this method properly, you will have to overcome the urge to talk, and make maximum use of your listening skills.* You use



this approach when dealing with performance difficulties. The non-directive approach still requires you to carefully plan the meeting, but it requires you to avoid giving solutions to the problem. This requires time and patience. This method of counseling is more difficult to use

successfully, but the theory behind this approach is that if you expect a lasting solution to a problem and a solution to which your employee is fully committed, the solution must come from within the employee and not be dictated by an outside authority. Non-directive counseling is similar to coaching.



Counseling is one of the most difficult and uncomfortable experiences you'll face as a supervisor. Don't get so involved in the problem and so worried about confronting your employee that you forget to plan the counseling session. Lack of planning almost guarantees that you'll be on the defensive once the meeting begins. Components of a counseling plan include:

- **Develop the Counseling Objective** This is different than the reasons for counseling. You need to focus on what you want to achieve in the specific counseling session. For conduct issues, the objective is usually telling your employee that there is a problem that affects his work or the Agency, and that you expect improvement. For performance issues, your objective is usually to have your employee identify the causes of his poor performance and outline some steps he will take to improve. It is a short-term objective.
- **Determine Whether You Will Use the Directive or Non-Directive Approach** Once you've developed the meeting objective, this decision is easy. If your objective calls for you to identify problems your employee is causing, letting him know about the rules, and


giving him your expectations for improvement, the directive approach is warranted. If your objective is to require your employee to establish his own improvement plan, the non-directive approach is appropriate. This approach should not be rigid, but it does determine how the major part of your counseling meeting should be conducted.

- **Write an Opening Statement That Defines the Problem** In either approach, you called the meeting and it's up to you to get things started down the right path. Forget about small talk; it doesn't work. In most cases, you want to make an opening statement that signals the purpose of the meeting. Make sure you define the problem correctly, or you'll be on the defensive for the entire counseling session.
- **Develop Plan B** You know your employees well enough that you can anticipate how each is likely to react to your opening statement and to the counseling process in general. Your plan must reflect this anticipated reaction. However, people can be unpredictable, and you must have a plan to handle surprises.

It's your job to identify and attempt to correct the work behavior of your employees. The most appropriate method for doing so is the directive method. Several points that apply to this method are:

- ✓ **Counsel in a Timely Manner** If you're dealing with a one-time infraction by your employee, the counseling should occur as soon as possible after the infraction. You must take the time you need to gather the facts, but excessive delay lessens the impact of the counseling.
- ✓ **Keep Counseling Private, but Not Necessarily a Secret** You want a place to counsel where you and your employee can feel free to talk without others overhearing. You can't discuss the issue with other employees or you're violating his privacy rights. You can't do anything about your employee giving his version, but at least others will know you're doing your job.
- ✓ **Counsel the Offender, Not the Group** You'll lose the respect of your employees if you call the group together to talk about a problem when there are only one or two offenders in the work group. The same holds true if you pass the blame to another level of management when you have a problem. Don't use e-mail to counsel your employees. It's an efficient way to exchange information, but it's no substitute for face-to-face counseling. It will communicate to your employees that you fear the counseling process and that the matter isn't serious enough to warrant a personal confrontation.
- ✓ **Correctly Identify the Problem and State It at the Outset** As a reminder, use clear language and plan an opening statement that defines the purpose of the meeting. A statement of the problem should include its effects on the Agency.



- ✓ **Have the Facts Ready and Use Them Appropriately** You must be prepared for the “ignorance strategy.” The only way you can counter this and prove there is a problem is to present hard data. Your facts must be directly relevant to your problem statement.
- ✓ **Be Prepared for Comparisons** After you have successfully proven there is a problem, be prepared to hear that your employee is being singled out. The only effective response to the comparison defense is not to allow it. You aren’t there to discuss the problems of other employees or your efforts to resolve them. Before you begin the counseling process, you should think about whether you’ve allowed others to get away with similar behavior. If you have, you deserve to hear about it. If you believe you’re treating everyone about the same, get the discussion back to the employee’s problem and move on.
- ✓ **Keep Your Objective in Mind; Don’t Get Hooked** When you conduct a counseling session, expect to hear excuses for the behavior in question. Also, expect to be asked for your suggestions on how the problems faced by your employee can be solved. Don’t get hooked into either issue. You aren’t there to solve your employee’s personal problems; you can only try to resolve the work problem. Your employee must understand that he has a responsibility to handle his personal life in such a way that he meets his work obligations. That responsibility can’t be assumed by you.
 
- ✓ **Make Your Expectations Clear** Never allow your employee to leave the counseling meeting without a clear picture of what improvements he should make. Ask yourself before the beginning of the meeting whether your expectations will be obvious from your statement of the problem, or whether you have to go an extra step and state them clearly before you end the meeting.
- ✓ **Make the Consequences Clear** To reinforce the importance of making a correction, you should tell your employee what will happen if his behavior doesn’t change. In stating the consequences, always remember this: Don’t promise something you’re unable or unwilling to deliver. There’s nothing that weakens your counseling efforts more than idle threats. It’s important, as part of your planning process, to decide what the next step will be if your employee’s behavior doesn’t improve. Make sure you have your manager’s support and have talked with your ERS. Then tell your employee what he can expect if his behavior doesn’t improve.
- ✓ **Seek a Commitment to Improvement** Toward the end of your meeting, ask your employee whether he understands the problem you’ve discussed, and why some improvement is needed. If you get a positive response, ask whether he agrees there’s a need to change. If he responds in the affirmative, you have some commitment. If you don’t get a commitment to improve, you still have the authority to direct improvement, even if it means resorting to disciplinary action.

There are similarities between directive counseling meetings and non-directive counseling meetings, which you use with employees who want to perform well but are having difficulty meeting performance standards. You still need a plan, objective, and privacy; you must use facts and clear language; and you have to be careful with praise. With the non-directive approach, however, you must be a much more skilled counselor. You must listen well, have patience, and invest more time. Additional things you need to do to be an effective non-directive counselor are:

- **Use Patience and Let the Non-Directive Method Work** It's difficult for supervisors to be patient because 1) they're busy with more than just their problem employee, 2) they're worried about their problem employee's performance, and 3) they tend to be natural problem solvers. Using the directive method of counseling is faster and more efficient. However, if you point out your employee's problems and suggestions to resolve them, they won't be his ideas; and if they fail, it will be your fault. You won't get your employee's cooperation or a commitment from him to achieve a lasting improvement in his performance. Even though denial of a problem is common, employees usually know they aren't doing well and are worried about it. The non-directive method encourages employees to express their thoughts and worries.
- **Don't Argue** Expect your employee to make excuses for his poor performance rather than identifying causes by criticizing the Agency or blaming others. It doesn't matter if his reasons are valid, only that he sees things that way. Your objective is to allow him to identify likely causes and solutions. They don't have to be correct; they only have to be his ideas. If he's wrong, his performance won't improve, and the burden will remain on him to find some other causes.
- **Use Questions** Instead of taking a position and having to defend it, you should allow your employee to explain and defend his position. The careful use of questions will require him to elaborate on a statement he has made. You don't have to challenge or agree with what he says. Use open-ended questions that help your employee identify causes and plan solutions for his performance problems.
- **Use Paraphrases** A paraphrase is a concise restatement, but not an exact repeat, of what your employee has said that indicates you have heard and understood him. It does not indicate agreement or disagreement; it encourages your employee to go on and lets him know you're listening. Paraphrasing must be used sparingly and at appropriate places.
- **Make Effective Use of Silence** People are uncomfortable with periods of silence, particularly when they know it's their responsibility to keep the conversation going. If you can be comfortable with a few periods of silence, you can use them to your advantage. If your objective calls for the non-directive method of counseling, you need to give your employee an opportunity to express his thoughts. Your silence will let your employee know that he has to assume his share of the responsibility.



- **Keep Control** You must constantly have your objective in mind and bring the conversation back on track when necessary. After you've listened to your employee's ideas and used questioning, paraphrasing, and silence to allow him to elaborate, you can then introduce some of your ideas. Your employee will be more receptive to your ideas since you've allowed him full opportunity to explain his feelings.
- **Make the Employee Responsible for Solutions** After your employee has identified possible causes for his performance problems, it's time to have him identify solutions. Sometimes, solutions are obvious and you must remain patient, resist the urge to become directive, and allow your employee to continue to take the lead. If improvement steps are identified by your employee, he will be more committed to their success. If your employee comes up with an obviously bad idea, you must remember that non-directive counseling does not require you to accept every suggestion. You must use your normal decision making authority.
- **Establish Specific Plans and Timeframes** It's not enough to agree that your employee will work harder or make more of an effort; you must plan some very specific actions he will take to improve his performance. Your employee must be aware of what steps he's expected to take and what your responsibilities are. At this stage of the counseling process, you should be more directive. The non-directive method was used to allow your employee to identify the causes of his performance problems and to plan some possible solutions. Now you should summarize the agreements that were made and insure there's full understanding about what will happen next.
- **Schedule Follow-Up Sessions** Performance improvement rarely happens overnight. An employee who lacks job knowledge, skills, or ability will improve incrementally. Therefore, you and your employee will need to meet several times to review what improvements have been made and plan for additional efforts.
- **Praise, if Praise is Appropriate** If there are good things that can be said honestly about your employee's performance or behavior, they should be said in the initial counseling meeting. As long as praise isn't used to obscure or lessen the real problem, it's appropriate. It's best used toward the end of the meeting, after the problem has been discussed.
- **Keep Detailed Documentation** For performance counseling meetings, your documentation should be more extensive because the non-directive approach covers more ground. If your employee is allowed to identify causes and solutions, the meeting lasts longer and more is said. The agreements made by you and your employee need to be documented. This is primarily for your protection; but it also provides your employee with a record of the steps he has agreed to follow to improve his performance, and it should assist him in tracking his efforts. This isn't a requirement, but performance

improvement is a collaborative process between you and your employee. Confirming your agreements in writing should help both of you see where the process is going.

We have looked at situations you are most likely to face when counseling a problem employee. Occasionally, the following unusual circumstances occur:

- **What If the Employee Claims to Be Affected by the Use of Alcohol or Drugs?** If your employee claims his problems are the result of an addiction to alcohol or drugs, you should refer him to EAP for rehabilitation. He's still required to come to work, and you have every right to continue to counsel him on his performance, attendance, and behavior. He might be entitled to accommodation, but he must prove that he has the disability and that it causes the problems he's having at work. You might have to postpone any planned disciplinary action to give him a chance to be rehabilitated. When an employee raises an issue like alcoholism, drug dependency, or any other mental or physical handicap, you must seek immediate advice from your ERS.

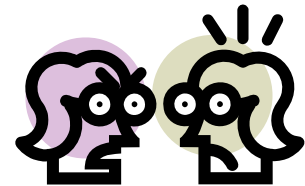


- **What If You Believe the Problem Is Alcohol or Drug Related, but the Employee Does Not Raise the Issue in Counseling?** If you have evidence there may be a connection between your employee's problems at work and his use of alcohol, it's your obligation to raise the issue. This is the first step in providing reasonable accommodation. Direct confrontation is the only way to approach the problem because denial is the alcoholic's first reaction. Again, contact your ERS before initiating a discussion.

- **What Happens If the Employee Threatens Violence?** You can't take any threatening statement lightly or ignore it. In a counseling meeting if your employee makes a threatening statement, you should ask for clarification to determine if it was made in jest or whether your employee is expressing some real feelings. Remind your employee that such statements, even said in jest, are not acceptable at the workplace. If you begin to fear a violent reaction, keep your voice quiet and as calm as possible. Don't get into a shouting match. Give your employee plenty of physical space. After the counseling meeting, you should report the matter to your manager and discuss it with your ERS.



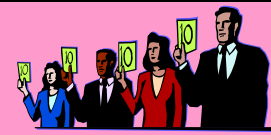
- **How Do You Handle Threats of Grievance, Complaints, and Lawsuits?** Your employees have the right to call a lawyer and file a complaint. You should acknowledge that right, but don't stop counseling because of it. If you have read this article and are counseling properly, you have nothing to fear from an employee threatening to file a complaint.



To summarize the counseling process, you should:

- Pinpoint the Problem - performance or conduct
- Gather Supporting Facts - how it affects the Agency
- Develop Your Plan - determine your meeting objective, which will help you decide whether to use the directive or non-directive approach.
- Schedule with the Employee in Advance - apply the principle of shared worry.
- Find the Time and a Proper Place - don't rush, and find a private place.
- Do It - your employee should understand the problem, know your expectations, and know the consequences or the next step.
- Plan for Follow-Up - to review actions your employee is responsible for (performance) or to re-emphasize the need for change (conduct)
- Prepare Your Documentation - include the date of the meeting, the names of those present, and the matters discussed. Show your stated purpose of the meeting and your statement of the problem. Summarize your employee's reaction and any commitments or agreements he makes. Show that you discussed the consequences or the next step that will occur.
- Resume Business as Usual - attack the problem, not the employee.
- Determine Whether You Will Get Support - doesn't have to be the last step

Problem employees constitute a small percentage of the workforce. This percentage has a tendency to grow if the problems are not tackled!



Top Ten Reasons to Discipline a Problem Employee

10. You set an example for your employees by enforcing the rules and regulations.
9. You reinforce your expectations and redefine the parameters of acceptable behavior.
8. You show your employees that they are responsible for their behavior/performance.
7. You show your employees that there are consequences if their behavior/performance is unacceptable.
6. If you don't discipline your employees, they will continue to think their behavior/performance is acceptable.
5. It isn't fair to your employees who are doing what they should be doing.
4. Your employees will respect you for treating everyone fairly and administering discipline consistently.
3. It works! It either corrects the employee's misconduct/performance, or you remove the problem.
2. It's your job!
1. You make your ERS happy for following his/her advice and not wasting his/her time on writing letters that are not issued!

Quotes of the Quarter



“You cannot teach a man anything. You can only help him discover it within himself.”

Galileo Galilei

“The most basic of all human needs is the need to understand and be understood. The best way to understand people is to listen to them.” - *Ralph Nichols*

Ask the Editor



Let's Get It Started!

We responded to an employee's question in the last issue, hoping it would generate a plethora of comments, suggestions, and questions for this issue. We were overwhelmed by the response! Well, maybe not overwhelmed. Okay, so we didn't even get one comment, suggestion, or question, but we know that many of you wanted to and were just waiting for a little boost. So to get things started, we came up with a couple of our own questions which, of course, we know some of you wanted to ask.

Dear Editor:

I thought the objective of discipline was to correct an employee's behavior or performance. If counseling corrects the problem, how come my ERS wants me to issue a letter?

A Passive Supervisor

Dear Passive Supervisor:

Please refer to the excellent article in this newsletter entitled, “Top Ten Reasons to Discipline a Problem Employee.” Reason 1 is especially relevant!

Dear Editor:

I have an employee who is a real pain-in-the-neck! How do I determine if his problems are behavior-or-performance related?

At My Wit's End

Dear At My Wit's End:

We feel your pain! In the next several issues of *ERNotes*, we will be covering performance and misconduct issues extensively. We will define each type, explore the differences, help you choose the appropriate discipline, and outline how you should implement the action. In the mean time, hang in there! P.S. Call your ERS immediately.

Let's keep it going! (Note: The names of those submitting comments or questions will not be published.)

Communication Corner



Communicating Performance

After reading the counseling article in this newsletter, we know you can't wait to apply your new-found knowledge! With the appraisal period ending December 31, 2006 for scientists and specialists, the following article is especially timely. Performance appraisal is a form of communication. To use it successfully, you need to make sure that appraising an employee's performance is continuous, not just something you do at the mid-term and end-of-year reviews. Encourage feedback from your employee. Remember that effective problem-solving communication is always two-way.

THE IMPORTANCE OF COMMUNICATING ABOUT PERFORMANCE

Performance management systems vary widely throughout the government. Some agencies limit supervisors' options to rating performance as either "Pass" or "Fail," while others employ multi-level rating scales. Some agencies even use point systems and assign different weights to individual performance elements. Nevertheless, all of these systems have something in common: they are supposed to promote communication about performance.

Year-end and mid-term ratings should not be a substitute for ongoing communication about performance. Although addressing poor performance can sometimes be an unpleasant part of a supervisor's job, communication about performance should occur continuously between supervisors and subordinates. As one measure of supervisory success, the year-end rating should never come as a surprise to an employee.

The best approach is to be candid about an employee's work throughout the year. Naturally, you may not be able set aside time for regularly scheduled performance meetings with all members of your staff. However, every work product and every workplace interaction is an opportunity to manage performance. If an employee is not meeting your expectations, say so. By discussing performance contemporaneously, you will be able to provide specific suggestions for improvement based on examples that are fresh in an employee's mind.

If such efforts to improve performance are unsuccessful, you can make these interactions more formal. Regular meetings to review work products are always an option for a poor performer. For written work products, requiring an employee to submit successive drafts can create additional opportunities for feedback, particularly at early stages of work. To correct time management problems, requiring an employee to submit

work plans in advance can create opportunities for giving guidance on setting realistic timetables. Formal training can also be an option if your budget permits.

In serious cases, documenting your efforts and your suggestions for improvement may be warranted, too. As a best practice, you should consider sharing a copy of any such documentation with the employee. This can serve to ensure that both you and the employee share a mutual understanding about the substance of your communications.

If even more formality is required, consider working with your human resources officials to design a formal performance improvement plan (PIP).

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The LightER Side



Employee: I have been here 11 years doing three men's work for one man's pay. Now I want a raise.

Boss: Well, I can't give you a raise, but if you'll tell me who the other two men are, I'll fire them.



Cooperative Resolution Program

Communication Tip - Make It Safe

To create a comfortable environment where ideas and thoughts can be openly exchanged, we need to make it safe. A place to begin is to deal with the facts of the situation, not our perceptions or interpretations. When we share these facts, we want to do this concisely and accurately. A person cannot modify his/her behavior without knowing exactly what they did or did not do. By sharing facts, you also help the other person better understand your reasons for your opinions. In other words, "This is what happened, and this is why I feel the way I do."

Next, we want to be open to listen and understand the facts from the other person's point of view and ask questions to clarify. You may need to adjust your interpretation accordingly based on the added information.

Let's look at an example. There is a piece of expensive equipment in your lab that you share with another scientist with whom you just started a collaborative project. When you have wanted to use this equipment, it has always been left in a mess, and you are tired of cleaning up

BEFORE you want to use it. What is your approach?

In a calm and easy tone, you would approach the scientist and ask if you can talk about something that concerns you. Yesterday at 1:30, when I went in to use the mass spec, I noticed there were unlabeled samples still present and some liquid that had spilled on the bench (FACT). This has happened in the past (INSERT ADDITIONAL FACTS HERE). I know you have a lot to do; I do too (MUTUAL UNDERSTANDING). My staff and I do our best to keep things as tidy as we can in the lab, and I haven't seen that with your staff. Right now, I feel that I have to spend twice as much time cleaning up to get my stuff done (FEELINGS). How might we better monitor this together (ASKING FOR THEIR INFORMATION)?

Taking the positive approach - providing facts, relating your understanding based on those facts, being open, and asking for the other person's input - will enable you to gain understanding of a situation that will create a healthier working relationship.

Who Ya Gonna Call?



Your Employee Relations Specialist!! We are here to work closely with you and provide advice and guidance on how best to address employee performance and conduct issues. We will help you prepare performance improvement plans, leave restriction letters, requests for medical information, proposal letters, and decision letters. We also serve as Agency Representatives before MSPB; negotiate settlement of mediated disputes, MSPB appeals, discrimination complaints (affirmative defense in MSPB appeals), whistleblower complaints, Uniformed Services Employment and Reemployment Rights Act (USERRA) complaints, and other workplace conflicts; investigate Office of Inspector General (OIG) Hotline Complaints, prepare Reports of Investigation, and initiate through management, any remedial actions; provide analysis and final decision on formal grievances; and develop employee relations instructional material, with an emphasis on remedial and preventive action, and train all employees. Call us as soon as you suspect you may have a problem with an employee. The names of the ERSs, the Areas they service, and their telephone numbers and email addresses are available on the ERB webpage at <http://www.afm.ars.usda.gov/hrd/er/index.htm>.

The Employee Relations Branch also includes the Ethics Program, Alternative Dispute Resolution, Labor Relations, and Employee Relations Policy. These programs are administered REE-wide.

Ethics Program

Manages the REE Ethics Program, ensuring that all employees are in conformance with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. 2635.

Provides advice and counsel on ethic-related issues to supervisors, managers, and employees.

For additional information, visit the REE Ethics website at <http://www.afm.ars.usda.gov/hrd/ethics/index.htm> or

contact the REE Ethics Office or your Agency/Area Ethics Advisor.

Alternative Dispute Resolution

Coordinates the REE Cooperative Resolution Program (CRP), ensuring all employees are trained in the program and that mediation is offered as a means to resolve conflict.

Ensures a cadre of trained mediators assigned throughout REE.

For additional information, visit the REE CRP website at <http://www.afm.ars.usda.gov/programs/coopres/>.

Labor Relations

Manages the Labor Relations Program, which includes contract management, negotiations, Partnerships, impact and implementation bargaining, and arbitration.

Represents and serves as an advisor to management officials during union contract negotiations.

Employee Relations Policy

Initiates ER policy, develops ER training and communications, adjudicates grievances, and provides investigative leadership.

Provides guidance and service in preparation and presentation before MSPB.

ER Notes

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