

# DISCIPLINE, DOCUMENTATION, & TERMINATION

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## THE "TAKEAWAY" FOR MANAGERS™

### **Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™ Leader's Guide**

## Overview:

The four areas covered in *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™* Proactive Discipline; A Positive Approach to Progressive Discipline; Good Documentation—and Why It Matters; and Termination—What You Should and Shouldn't Do—are reinforced by four corresponding “takeaways,” information that's especially important to come away with, summed up in an easy-to-remember sentence.

These four areas and their takeaways comprise the basic information that all managers and supervisors should have regarding discipline, documentation, and termination issues. The *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™* program discusses the best-practice approaches to these important subjects, with an emphasis on keeping managers' actions legally compliant.

## Prepare for the Session:

- Preview the *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™* program, and consider how the four areas of focus relate to each other in the workplace.
- Read through the Leader's Guide.
- Make sure you have a Discussion Question handout for each participant.
- When discussing the personal challenges of discipline, documentation, and termination for managers, remember to reassure participants that handling these areas well can have a *positive* impact on those who report to them.
- Greet participants in a friendly manner.

## Open the Session:

- Introduce yourself and welcome the participants to the training session.
- Introduce the *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™* program, explaining that it covers *four key areas*: Proactive Discipline; A Positive Approach to Progressive Discipline; Good Documentation—and Why It Matters; and Termination—What You Should and Shouldn't Do.
- Ask participants as they watch the program to think about how these areas intersect and why they are important for managers to understand.
- Let participants know that there will be a short discussion portion of the program, with an opportunity to comment and/or ask questions.
- Show the *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™* program (running time: 10 minutes).
- Review the four topics and their corresponding takeaways as follows:

Proactive Discipline (*Nip it in the bud.*); A Positive Approach to Progressive Discipline (*Aim for solutions rather than punishment.*); Good

Documentation—and Why It Matters (*Document actions, not attitude.*);  
Termination—What You Should and Shouldn't Do (*Keep it professional.*)

PREVIEW

## Present the Material:

### Topic 1: Proactive Discipline

#### Learning Points:

- ❖ Never ignore or avoid problematic behavior, or pass the problem along to someone else.
- ❖ Keep your eyes and ears open for problems, and be ready to respond.
- ❖ If problematic or illegal behavior occurs, deal with it immediately, before the situation gets worse.

**The “TAKEAWAY”:** *Nip it in the bud.*

## Topic 2: A Positive Approach to Progressive Discipline

### Learning Points:

- ❖ “Progressive discipline” is a graduated approach to dealing with problems, consisting of progressive steps such as verbal warning, written warning, suspension, and termination.
- ❖ Progressive discipline must be administered in a consistent, fair, and nondiscriminatory manner, treating everyone the same.
- ❖ Progressive discipline is most effective when used as a tool for improvement rather than punishment. Communicate not only the negative repercussions of problematic behavior, but also the benefits that improved behavior could bring.

**The “TAKEAWAY”:** *Aim for solutions rather than punishment.*

### Topic 3: Good Documentation—and Why It Matters

#### Learning Points:

- ❖ Document all problematic or illegal behavior, noting date, times, interventions, and responses.
- ❖ Do not include personal opinion in documentation, just facts.
- ❖ Keep in mind that in the event of a lawsuit your documentation could eventually become the deciding factor for a jury.

**The “TAKEAWAY”:** *Document actions, not attitude.*



## Topic 4: Termination—What You Should and Shouldn't Do

### Learning Points:

- ❖ Learn your organization's termination protocols and procedures, and follow them.
- ❖ Never fire (or discipline) anyone in front of his or her coworkers. This could lead to a defamation lawsuit.
- ❖ Treat employees respectfully and courteously throughout the termination process. Focus on actions, not emotions.

**The “TAKEAWAY”:** *Keep it professional.*

## Start Discussion:

- Distribute the Discussion Questions handout.
- Read the 4 questions on the Discussion Questions handout to participants, and explain that they will have 5–8 minutes for discussion based on the questions.
- Ask participants to take the handout Quiz.
- Have participants form small groups of 3–5 people for the discussion portion of the training.

## Discussion Questions:

What does it mean to take a proactive approach to discipline?

### **Sample answers:**

1. *"It means being on the lookout for problems."*
2. *"You shouldn't just ignore bad situations."*
3. *"You don't have to wait until someone complains to take action."*

What does it mean to take a positive approach to discipline?

### **Sample answers:**

1. *"Helping someone by focusing on the good things that could come from improved behavior."*
2. *"Giving encouragement along with warnings."*
3. *"Always being professional and respectful."*

What is good documentation?

**Sample answers:**

1. *“Notes that includes specific information, like the date and time something happened.”*
2. *“Documentation that doesn’t mention things like a person’s bad attitude.”*
3. *“Records that are up-to-date and complete.”*

What are some things to remember when terminating someone’s employment?

**Sample answers:**

1. *“Check with HR about your organization’s procedures.”*
2. *“Never fire someone in public.”*
3. *“Keep things professional, not personal.”*

## Quiz Answer Key

1. Ignore problematic behavior unless someone complains.  
**TRUE/FALSE**
2. Always be on the lookout for unprofessional or illegal behavior.  
**TRUE/FALSE**
3. Let people know the benefits of improving problematic behavior.  
**TRUE/FALSE**
4. Administer discipline differently to everybody.  
**TRUE/FALSE**
5. Keep good documentation on problematic behavior that is specific and job-related.  
**TRUE/FALSE**
6. Include your opinions in your notes.  
**TRUE/FALSE**
7. Your documentation may be used in court if legal action is taken.  
**TRUE/FALSE**
8. When terminating someone's employment, talk to the person about who's to blame for the situation.  
**TRUE/FALSE**
9. Never discipline or fire someone in front of his or her coworkers.  
**TRUE/FALSE**
10. Know your organization's procedures for discipline, documentation, and termination.  
**TRUE/FALSE**

## Conclude the Session:

1. Reassemble the group.
2. Recap the following key concepts from *Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™*:
  - **Nip it in the bud.**
  - **Aim for solutions rather than punishment.**
  - **Document actions, not attitude.**
  - **Keep it professional.**
3. Remind participants of the importance of being proactive, administering discipline in a positive manner, documenting thoroughly and accurately, and approaching termination professionally and respectfully.
4. Take questions.
5. Thank everyone for participating, and express your hope that what they've learned at the session will help participants meet the challenges of discipline, documentation, and termination.

***Discipline, Documentation, & Termination —  
the "TAKEAWAY" for Managers™***  
**Handout**

**Discussion Questions**

What does it mean to take a proactive approach to discipline?

What does it mean to take a positive approach to discipline?

What is good documentation?

What are some things to remember when terminating someone's employment?



## Quiz

1. Ignore problematic behavior unless someone complains.  
TRUE/FALSE
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TRUE/FALSE
10. Know your organization's procedures for discipline, documentation, and termination.  
TRUE/FALSE

## Discipline, Documentation, & Termination — the "TAKEAWAY" for Managers™ Transcript

Let's face it, like it or not, sometimes managers and supervisors have to deal with problematic employee behavior. And when they do, it's important that they approach discipline and termination issues in as positive, organized, and consistent a way as possible. If they don't, morale and productivity will suffer, and—worse-case scenario—someone will get sued.

There are four crucial areas when it comes to discipline, documentation, and termination.

- ***Proactive Discipline***
- ***A Positive Approach to Progressive Discipline***
- ***Good Documentation and Why It Matters***
- ***Termination—What You Should and Shouldn't Do***

Let's talk about the benefits of *proactive discipline*.

### ***Proactive Discipline***

Problem behavior is never fun to deal with, and managers are understandably often uncomfortable tackling it head-on. They may try to ignore it, or ignore it in some people but not in others, or, worse yet, pass the problem along to someone else.

Avoiding problem behavior doesn't solve it, in fact, it often makes it worse. As a manager, it's your responsibility to make sure that employees are fulfilling the essential functions of their job description, and doing it in a professional, respectful, and legally compliant way.

"MARILYN, LOOK AT MY LATEST SELFIE, I'M JUST GETTING OUT OF THE SHOWER."

“SCOTT, THAT’S DISGUSTING, CUT IT OUT ALREADY. I TOLD YOU I’M NOT INTERESTED IN YOUR PICTURES. THIS HAS REALLY GOTTEN OUT OF HAND.”

“OH, COME ON, I’LL SHOW YOU MINE IF YOU SHOW ME YOURS.”

“THAT’S THE LAST STRAW. I’VE HAD IT.”

“SCOTT’S FLIRTING WITH MARILYN HAD GROWN INTO SEXUAL HARASSMENT. I TALKED TO HIM ABOUT HOW HE’D CROSSED THE LINE AND WHAT THE CONSEQUENCES WOULD BE IF HE DIDN’T STOP. HE BASICALLY IGNORED MY VERBAL WARNING, SO WITH A LITTLE GUIDANCE FROM HR, I GAVE HIM A WRITTEN ONE, CITING SPECIFIC INSTANCES OF HIS BAD BEHAVIOR, AND LET HIM KNOW THAT HE COULD BE OUT OF A JOB IF IT DIDN’T STOP.”

When you keep your eyes and ears open for problems, and deal with them immediately, you have a much better shot at nipping them in the bud. The benefits of being a proactive manager include increased productivity, a happier workplace, and the avoidance of legal problems for your organization, or even yourself.

### ***Proactive Discipline***

#### ***THE TAKEAWAY***

***Keep your eyes and ears open, and if something seems wrong, nip it in the bud.***

So let’s assume you’re keeping on top of things. What if there’s a problem? The best approach to dealing with problem behavior is by taking *a positive approach to progressive discipline*.

### ***A Positive Approach to Progressive Discipline***

Many organizations have a policy of so-called “progressive discipline” to deal with unproductive or disruptive workplace behavior that’s contrary to organization policy. This system usually takes a graduated, four-tiered approach, the basic disciplinary steps of which are first a verbal warning,

followed by a written warning, then suspension, and, ultimately, termination.

Of course, if an employee's behavior threatens the safety of others, or is fraudulent and dishonest, it may be necessary to skip one or more steps and simply terminate his or her employment. Remember, there's a difference between poor performance and intentional misconduct.

"YOU WANTED TO SEE ME?"

"YEAH ANDREA, HAVE A SEAT. WHEN I DROPPED THOSE FILES BY YOUR OFFICE ON THE WAY TO THE MEETING THIS MORNING, I NOTICED YOU WERE WATCHING A MUSIC VIDEO ONLINE. THAT'S NOT EXACTLY WORK RELATED"

"I WAS JUST TAKING A BREAK."

"BUT YOU HAD JUST GOTTEN TO WORK. WHAT'S GOING ON? YOU DON'T REALLY SEEM TO BE GETTING MUCH WORK DONE LATELY.

"NOTHING, IT'S NO BIG DEAL"

"ACTUALLY ANDREA, IT IS."

"I HAD THOUGHT ANDREA'S GOOFING OFF WAS A THING OF THE PAST. BUT THEN I REALIZED HOW UNPRODUCTIVE SHE'D BECOME LATELY AND HOW HER COWORKERS WERE PICKING UP THE SLACK, AND THAT'S NOT FAIR. SO I HAD A SERIOUS TALK WITH HER AND LAID OUT THE CONSEQUENCES OF CONTINUING DOWN THIS PATH. BUT I ALSO TOLD HER HOW IMPROVING HER PERFORMANCE COULD LEAD TO RAISES AND PROMOTIONS, AND SHE LOOKED KIND OF EXCITED. HER BEHAVIOR IMPROVED DRAMATICALLY."

Progressive discipline can be a fair and easy-to-understand system, but if administered inconsistently or punitively, it *can* result in claims of bias and discrimination and may even result in lawsuits.

So it's very important to implement it without regard to gender, race, sexual orientation, or any other legally protected category, fairly and even-handedly, because if you don't, it's discrimination, and that's illegal.

For the best result, always try to carry out progressive discipline in a supportive, *positive* manner, geared toward solutions rather than punishment.

### ***A Positive Approach to Progressive Discipline***

#### ***THE TAKEAWAY***

***Aim for solutions rather than punishment.***

In order to objectively evaluate a situation and provide evidence of your legal compliance, to protect yourself and your organization in the event that an employee *does* decide to sue, it's crucial to have had everything documented—the employee issues, your responses to them, and the result of you're trying to address them. Let's talk about *good documentation—and why it matters.*

#### ***Good Documentation—and Why It Matters***

When it comes to employee behavior problems, make notes that are job-related, specific, and include dates and times. Imagine your notes being scrutinized by a jury; good documentation can be the deciding factor in a lawsuit.

Include the facts of any employee infraction, who witnessed it, the effects of the employee's behavior on others and on the organization as well as the consequences of the behavior for the employee, and note your attempts to remedy the situation and the results. The documentation will serve as a record for you, the employee, the organization, and possibly the court.

“MAGGIE”

“HI ERICA”

“GOOD MORNING. WOULD YOU COME IN PLEASE?”

“SURE.”

“AND SHUT THE DOOR.”

“WHAT’S UP?”

“YOU’RE LATE AGAIN. WE TALKED ABOUT THIS.”

“OH, SORRY, THAT BUS IS NEVER ON TIME.”

“WELL, MAYBE YOU NEED TO CATCH AN EARLIER ONE OR MAKE OTHER ARRANGEMENTS.”

“OH I’M NOT THAT LATE, AM I?”

“OCTOBER 27<sup>TH</sup>, ARRIVED 9:20, 20 MINUTES LATE.

“I KNEW IF MAGGIE DIDN’T GET THE RAISE SHE EXPECTED, AND I HAD TO SUSPEND OR EVEN FIRE HER, I HAD BETTER HAVE AN OBJECTIVE RECORD OF ALL THE DATES AND TIMES SHE CAME IN LATE OR DIDN’T BOTHER SHOWING UP AT ALL. IT WOULD PROTECT ME, THE ORGANIZATION, AND BE HELPFUL TO MAGGIE TOO.”

Documentation should note actions. Don’t include things like a description of the employee’s bad attitude, which after all is a matter of opinion, or comment on his or her personal characteristics, which may show bias on your part.

Many organizations have a policy of destroying documentation that’s more than a year old, since courts tend to view older documentation as either unreliable or evidence that the ongoing situation wasn’t bad enough to do anything about in a timely manner.

### ***Good Documentation—and Why It Matters***

#### ***THE TAKEAWAY*** ***Document actions, not attitude.***

If problematic behavior can't be resolved with verbal and written warnings, offers of support, and less extreme consequences, it may be determined that termination of employment is the appropriate option. It's helpful to understand the *termination—what you should and shouldn't do*.

### ***Termination—What You Should and Shouldn't Do***

If you've gone through all the progressive-discipline steps to resolve a problem, and you've concluded that termination of employment is necessary, consult with HR and follow your organization's termination protocols.

And make sure not to fire, or discipline, anyone in front of his or her coworkers, which besides being disrespectful, would make you vulnerable to a defamation lawsuit.

"PHIL, I THINK WE'VE COVERED EVERYTHING. I REALLY DO WISH YOU MUCH FUTURE SUCCESS."

"THANKS RICHARD. I APPRECIATE YOU GOING OVER THIS STUFF WITH ME."

"IF YOU HAVE ANY QUESTIONS ABOUT YOUR COBRA, JUST GIVE HR A CALL AND THEY'LL ANSWER THEM."

"I WILL."

"TERMINATION CAN BE DIFFICULT FOR EVERYONE. BUT IF I'M PREPARED AND PROFESSIONAL, IT USUALLY GOES SMOOTHLY. SO WHEN I NEED TO TERMINATE SOMEONE'S EMPLOYMENT, I MAKE SURE I KNOW MY ORGANIZATION'S PROCEDURES AND I FOLLOW THEM."

When terminating someone's employment, it's important to be well prepared. Make sure that you handle things in a legally compliant, unbiased manner. Remember, federal anti-discrimination laws apply to all areas of employment, including termination. It may be your organization's policy to use a termination check list. While specific

procedures vary, it's always imperative to keep the termination process polite, not personal. For instance, while you shouldn't express your regret about the situation, it may be appropriate to express confidence in the person's future success. Always maintain a professional demeanor and keep your interaction respectful, courteous, and job related.

### ***Termination—What You Should and Shouldn't Do***

#### ***THE TAKEAWAY*** ***Keep it professional.***

Discipline, documentation, and termination can be challenging for managers to navigate.

For smooth sailing, disciplining proactively, taking a positive approach, creating good documentation, and understanding termination—what you should and shouldn't do, are essential.



PREVIEW