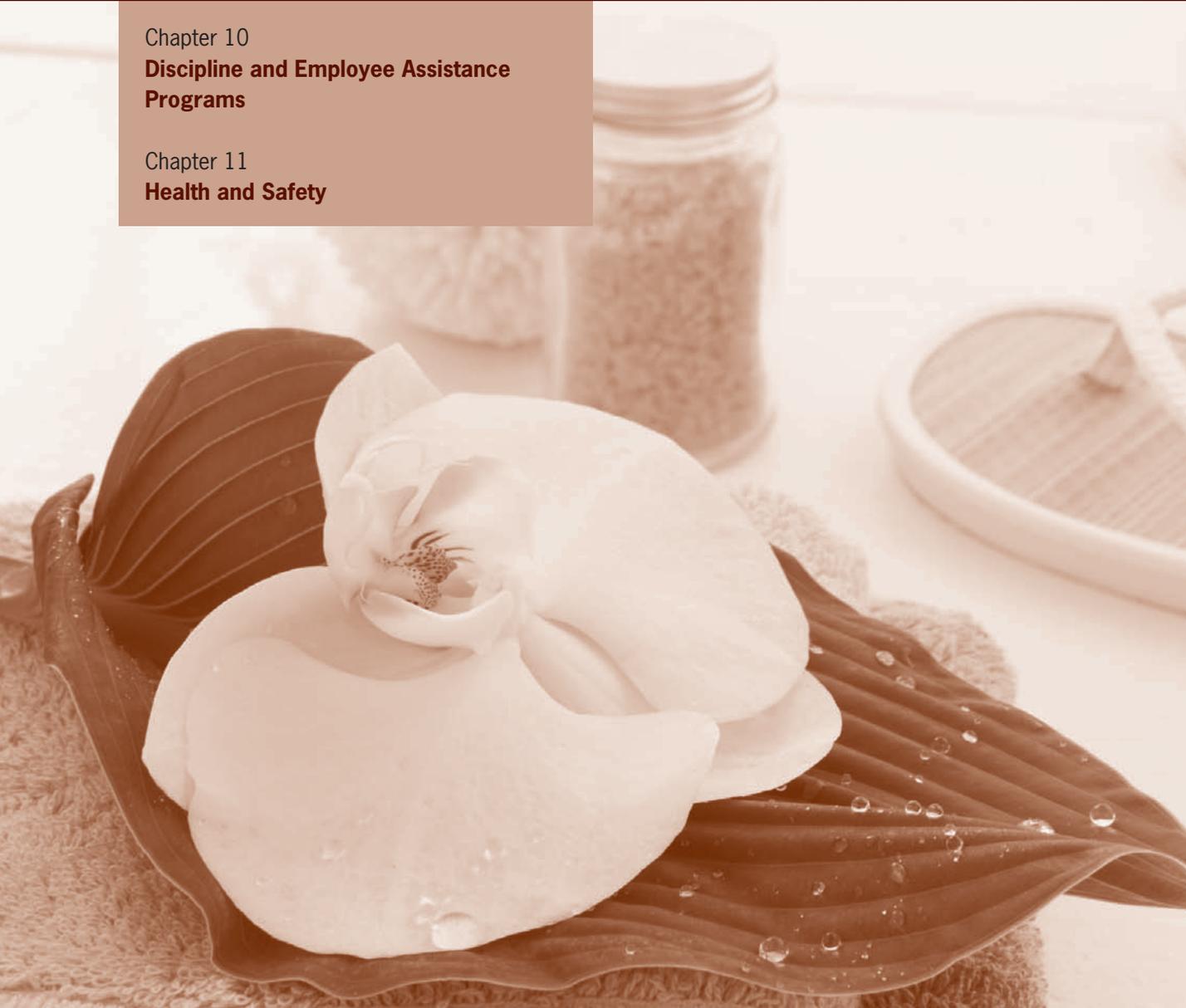


Part 4

Maintaining High Performance

Chapter 10
**Discipline and Employee Assistance
Programs**

Chapter 11
Health and Safety



Discipline and Employee Assistance Programs

Overview

Essentials of Discipline

Approaches to Discipline

Administering Discipline

Termination

Employee Assistance Programs

The Leader's Key Role

Here are five true–false statements about the serious subject of discipline; one of them is true. Do you know which it is?

Discipline = punishment.

Whether or not you are plagued with discipline problems is a matter of how lucky you are in the people you supervise.

A supervisor who is fairly relaxed about enforcing rules is likely to have fewer discipline problems than one who makes people toe the line.

“You do that once more and you’re fired!” is a good way to make a worker shape up.

Most employees really want to obey the rules and do their jobs well.

The last one is true: Most of your employees will come to work each day, do their jobs satisfactorily, and leave without causing any problems. The first four statements are in most cases false; each is discussed in this chapter.

There is more to discipline than meets the eye. Discipline is not a black-and-white issue; there are many shades of gray. It is a fluctuating product of the continual interplay between the supervisor and the people supervised within the framework of the rules and requirements of the company and the job.

As a whole, the hospitality industry is not famous for disciplinary success. Often, discipline is administered across a crowded room at the top of the lungs, and disciplinary measures make a direct contribution to the high rate of employee turnover in the industry.

In this chapter we explore the subject of discipline from several points of view. It will help you to:

- **Define the four essential elements of successful discipline and explain the importance of each.**
- **Compare and contrast the negative and positive approaches to discipline.**
- **State basic guidelines for administering discipline, and explain how to avoid common mistakes and pitfalls.**
- **Weigh and discuss the problems of terminating a worker who has underperformed.**
- **Discuss the legal implications of termination and learn how to avoid unwarranted charges of discrimination.**
- **List guidelines for conducting a termination interview.**
- **Explain the basics of dealing with sexual harassment and substance-abuse problems.**

A clear and effective disciplinary policy offers many benefits, including: clear guidelines for employee behavior, good morale for other employees, and protection against lawsuits.¹



Essentials of Discipline

If you were to walk around your work area one day and ask your employees what discipline is, it is very likely that the most frequent response would be that discipline means punishment. Does discipline really mean punishment? Let's take a closer look.

The word *discipline* has two somewhat different but related meanings. One refers to a *condition* or *state* of orderly conduct and compliance with rules, regulations, and procedures. If everyone follows the rules and procedures and the work moves along in an orderly fashion, we say that discipline is good in this department or operation. But if people are not following the rules and procedures, and maybe do not even know what the rules and procedures are, and the work is not getting done and people are fighting and the place is in chaos and nobody is listening to what the supervisor is trying to say, we say that the discipline is terrible.

The second meaning of the word *discipline* refers to *action* to ensure orderly conduct and compliance with rules and procedures. When people break rules, you discipline them; you take disciplinary action. Disciplinary action, depending on your policy, may or may not include punishment such as a written warning or suspension. If your employees are relatively self-disciplined, it is not necessary to discipline often.



Ensure that associates know what the rules and procedures are by telling and showing them what to do.



In this chapter we are concerned with both kinds of discipline. We are concerned with maintaining a condition of discipline, and we are concerned with the most effective kinds of disciplinary action to ensure compliance to rules. *Both sides of discipline are the responsibility of the manager, and discipline, in both senses of the word, is essential to managerial success.*

The discipline process contains three steps:

1. Establishing and communicating ground rules for performance and conduct
2. Evaluating employee performance and conduct through coaching, performance appraisals, and disciplinary investigations (coaching and performance appraisals are discussed in Chapter 9)
3. Reinforcing employees for appropriate performance and conduct and working with employees to improve their performance and conduct when necessary

As a manager or supervisor, you are involved in each step of this process, as discussed throughout this chapter. Let's start by looking at the *four essentials of successful discipline*:

1. A complete set of rules that everyone knows and understands
2. A clear statement of the consequences of failing to observe the rules
3. Prompt, consistent, and impersonal action to enforce the rules
4. Appropriate recognition and reinforcement of employees' positive actions

The first essential—a complete set of rules—consists of all the policies, regulations, rules, requirements, standards, and procedures that you and your workers must observe in your job and theirs. These should include:

- Company policies, regulations, and directives that apply to your department and your people. Of particular importance to you are company policies and procedures relating to disciplinary action (Figure 10-1).
- *Work rules* relating to hours, absences, tardiness, sick days, meals, use of facilities and equipment, uniforms and grooming, conduct on the job (smoking, drinking, dealing with customers, patients, or guests).
- Legal requirements and restrictions, such as health code provisions, fire and safety regulations, liquor laws.
- Job requirements, performance standards, and job procedures for each job you supervise.
- Quality and quantity standards required (such as standardized recipes, portion sizes, drink sizes, guest room amenities).

Work rules

Rules for employees that govern their behavior when working.

All this material will form a basic operations and procedures manual for your department. From it you can prepare a manual for new employees and plan their first day orientation (Chapter 8). Then you can use it in developing your training programs (also Chapter 8), incorporating all the rules, procedures, and penalties that the workers must know, so that they start out well-informed. You can use your manual as a reference for verifying the proper ways of doing things and for settling any disputes that arise. Keep it in loose-leaf form so that you can update it easily when policies, regulations, and procedures change.

Discipline Policy and Procedure

Policy: It is necessary to establish rules of conduct to promote efficient and congenial working conditions and employee safety. Further, it is our intention to provide equality in the administration of discipline when these rules of conduct are violated. Discipline is to be administered fairly without prejudice and only for just cause. **Procedure:** In order that all disciplinary actions by supervisors are consistent, one of the following actions will be used according to the seriousness of the offense.

1. Oral warning with documentation
2. Written warning
3. Suspension
4. Termination

An employee will be subject to disciplinary action ranging from oral warning to discharge for committing or participating in any of the acts listed below. The normal level of discipline is also listed. All suspensions, terminations, or exceptions must have the approval of the director of human resources.

1. False statements or misrepresentation of facts on the employment application—termination
2. Absence for one day without notifying the department manager prior to the start of the shift—written warning
3. Absence for two consecutive work days without notifying the department manager prior to the start of the shift—suspension
4. Absence for three consecutive work days without notifying the supervisor prior to the start of the shift—termination
5. Excessive absenteeism with or without medical documentation—within a calendar year—
 - six absent incidents—oral warning with documentation
 - eight absent incidents—written warning
 - nine absent incidents—suspension
 - 10 absent incidents—totaling 13 days or more—termination
6. Excessive lateness—within a calendar year—
 - eight latenesses—oral warning with documentation
 - 12 latenesses—written warning
 - 16 latenesses—three-day suspension
 - 20 latenesses—termination
7. Falsification of time sheets, recording another employee's time or allowing others to do so—termination
8. Failure to record own time when required—oral warning with documentation
9. Leaving work area without permission—written warning
10. Leaving the facility without permission during normal working hours—written warning
11. Stopping work early or otherwise preparing to leave before authorized time, including meal periods—oral warning with documentation
12. Sleeping on the job—suspension

FIGURE 10-1: A discipline policy and procedure.



13. Failure to carry out job-related instructions by the supervisor where the failure is intentional—suspension
14. Threats or intimidation to managers, guests, or other employees—termination
15. Use of abusive language to managers, guests, or other employees—suspension
16. Stealing or destruction of company or guest's property—termination
17. Not performing up to performance standards—oral warning with documentation
18. Disorderly conduct during working time or on company property—suspension
19. Violations of sanitation and safety regulations—level 2, 3, or 4 depending on situation
20. Reporting to work unfit for duty—written warning
21. Possession or use of alcohol or nonprescribed drugs during working time or on company property—termination
22. Possession of explosives, firearms, or other weapons during working time or on company property—termination

Multiple or Cumulative Violations

1. Subsequent violations of a related nature should move to the next higher step in the discipline pattern (e.g., a related violation following a written warning will call for a three-day suspension, etc.).
2. Violations of an unrelated nature will move to the next higher level after two disciplinary actions at the same level (e.g., after two written warnings for unrelated violations, the next unrelated violation would call for a suspension rather than another written warning).
3. Cumulative violations that occur more than 12 months before the violation in question will not be used to step up the discipline for an unrelated violation.
4. The above listed violations are the basic ones and are not intended to be all-inclusive and cover every situation that may arise.

FIGURE 10-1: (continued)

It is your responsibility to see that all your people know the rules and procedures that apply to them and to their jobs. These rules and procedures form a set of boundaries or limits for employee behavior, a framework within which they must live their occupational life. You might compare it to a box or a fence that encloses them while they are on the job (Figure 10-2). Most employees really want to do a good job, and if they know what they are supposed to do and not do, most of them will willingly stay in the box and abide by the rules. Knowing the rules and the limits makes most people more comfortable in their jobs.

The second essential is to make very clear the consequences of going beyond the limits, of not following the rules and procedures. If there are penalties for breaking the rules, people must know from the outset what the penalties are. This information should be stated in matter-of-fact terms: "This is what we expect you to do; this is what happens when you don't." It should not take the form of warnings and threats. There should be no hint of threat in either your words or your tone of voice.

The penalties for breaking rules are usually written into your disciplinary policy and procedures (Figure 10-1). The policy and procedures may prescribe the specific

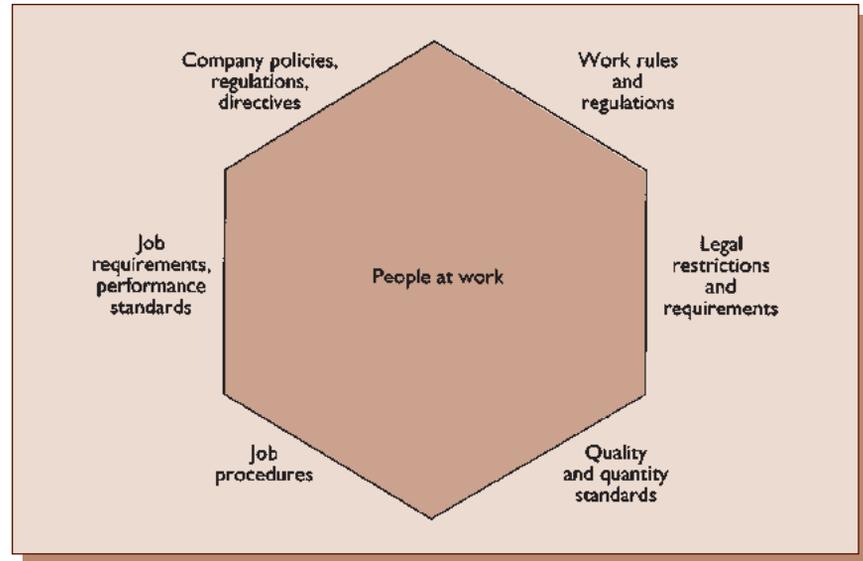


FIGURE 10-2: A framework of policies, rules, restrictions, standards, procedures, and requirements within which employees carry out their work.

disciplinary action for each rule violation each time a given employee breaks that rule, or the penalties may be more loosely defined.

Knowing the consequences has its own security: People know where the boss stands, and they know what will happen if they go beyond the limits. Even when the penalties seem severe, and even when people do not like their supervisor personally, you often hear them say, “At least with the boss, you know where you stand.”

The third essential is to enforce the rules promptly, consistently, and impersonally and to comply with the rules yourself. It is very common for supervisors to threaten punishment—“If you are late once more, I’m gonna fire you”—and never carry out the threat. After a while, other people see that the threat is never carried out and they begin to think, “Why should I be here on time?” And pretty soon, the leader has lost control and the associates are setting the rules and standards. Once you have made a threat, you have no choice but to carry it out or back down.

The principle applies not only to threats but also to rule breaking in general. If you pay no attention when people break rules, if you walk on by and do nothing, everyone will begin to break the rules and discipline will crumble. And if you break rules yourself, people will have no respect for you because you are applying a double standard. They will think, “What is good enough for you is good enough for me, too,” and you will have problems with compliance. There won’t be any ground rules left.

Many people suggest the hot stove as the perfect model of administering discipline:²

- It gives *warning*. You can feel the hot air around it.
- Its response is *immediate*. The instant you touch it, it burns your finger.
- It is *consistent*. It burns your finger every time you touch it.
- It is *impersonal*. It reacts to the touch, not the person who touches.

You've Done A Great Job!

For: Denise Smith, Cook

From: Joe Brown, Chef

Date: 8/22/06

Thank you for giving two of our long-term guests Mr. and Mrs. Jones, the extra-special treatment last night. They were most unhappy about their meal until you came out of the kitchen to help them make another selection. You did a great job of reassuring them and keeping their visit enjoyable. Thanks for going the extra mile.

FIGURE 10-3: Positive Action Memo.

These are all sound guidelines to follow with any approach to discipline. You give *warning* by making sure that people know the rules and the consequences—what to do and how to do it and what happens if they don't. Your response is *immediate*; by tomorrow the mistake or transgression is past history and the worker has gotten away with something and three others have seen it happen and will try it today. You are *consistent*: You hold everybody to the same rules all the time; and you are *impersonal*: You are matter-of-fact, you don't get angry, you don't scold, you don't preach, you simply act as an adult. You deal with the specific incident, not with the person's bad attitude or thick skull. You eliminate your personal feelings about individual people: You do not prejudge someone you don't like, and you do not let favoritism creep in.

But there is more. Although impersonal, discipline ought to be carried out as part of a positive human relations approach to the people who work for you. In disciplining, you must focus on things that people do wrong, but your people can handle this negative feedback better if you use a lot of that positive reinforcement we talked about in the last chapter. Don't be like the manager who said, "Every time you do something wrong I'll be there to catch you. But when you do something right—well, that's what I pay you for."

The fourth essential is to recognize and reinforce your employee's positive actions. Discipline is not just making sure that employees follow rules, but includes recognizing those who are following rules and performing up to standards. Recognizing your employees need not be a laborious process; it can be as simple as saying, "Thanks for taking care of our guests in such a prompt and courteous manner," or filling out a positive action memo (Figure 10-3).

Approaches to Discipline

There are two different approaches to disciplinary action. One is the negative approach of discipline by punishment. The other is the positive approach of discipline by information and corrective training. Philosophically, they divide along Theory X and



Theory Y views of people and leadership styles. Many leaders believe the word discipline has to do with punishment. Actually, it doesn't. Discipline pertains to improving employee performance through a process of assisting the employee (at least the first time) to learn so he or she can perform more effectively.³

NEGATIVE APPROACH

Most people associate discipline with punishment. The theory is that if you enforce the rules by punishing people who break them, those people will learn not to break the rules and the punishment will be a warning to others that will keep them in line. It is the old theory of motivation through fear. The punishment may be anything from a public dressing-down or threat of dismissal or private reprimand to penalties tailored to fit the violation, culminating in termination.

Negative discipline has been used a great deal in the foodservice and lodging industries. It is commonly used by the rigid, high-control, autocratic, Theory X-style leader who believes that people are lazy and irresponsible and that you have to be on them all the time. Never mind the reason it happened: If they break rules, they've got to be punished; it's the only way to get it through their heads. It is also used by managers who are civilized and friendly but simply believe that punishment is the way to enforce rules.

The fear-and-punishment approach has never worked very well. Punishing one person may deter others from breaking rules, but it does not correct the behavior of the person punished. Punishment simply does not motivate employees to shape up and do their work in an orderly and obedient manner. It may motivate them to avoid the punishment a second time—"Hey, you got me once, but you will never get me again"—but from then on, they will do just enough work to get by.

Fear and punishment are in fact *demotivators*. People who are punished feel embarrassed, defensive, angry, and hostile. It often arouses a desire to get back at the boss and to get the other workers on their side. They look for ways to cause trouble for the boss without getting caught, and the boss is probably going to have to punish them again and again. Punishment almost never turns a first offender into a good worker. It is, however, likely to turn that worker into an adversary.

Leaders who are rigid rule followers are usually very conscious of their right to punish and their duty to control, so they go by the book: If a rule is broken, punishment follows. Rigidity is the strongest feature of this kind of discipline: It is consistent. It does deter rule breaking, and it maintains a certain kind of controlled order.

On the other hand, punitive leaders tend to have chronic discipline problems, which they are likely to blame on their "no-good workers." They do not recognize how their own shortcomings as leaders have contributed to the problem: They probably haven't explained the rules, communications are poor, people don't like the constant negative feedback, don't like working for them, and so on. Some Theory X leaders are really very insecure people, and their inability to control their workers' behavior makes them even more insecure. They vent their anger and frustration on their workers, reassuring themselves that the workers, not they, are to blame.

In a fear-and-punishment approach to discipline there is a traditional four-stage formula for disciplinary action:

Negative discipline

Maintaining discipline through fear and punishment, with progressively severe penalties for rule violations.



- An *oral warning*, stating the violation and warning the employee that it must not happen again
- A *written warning*, stating that the offense has been repeated and that further repetition will be punished
- *Punishment*—usually suspension without pay for a specific period, typically one to three days
- *Termination* if the employee continues to repeat the offense after returning to work

This four-stage formula is called *progressive discipline* because of the progressive severity of each stage. (The term does not in any way imply a forward-looking or humanitarian approach.) The stages are similar to those specified in most union contracts and written into most company policy manuals. The formula is not confined to hard-line Theory X leaders: It is widely used with hourly employees in all types of industries.

Progressive discipline

A multistage formula for disciplinary action.

Over all the years that negative discipline has been used, it has never been successful at turning chronic rule breakers into obedient and cooperative employees. There is nothing in it that will motivate change that will help anyone to become a better employee. It generally creates adversarial relationships and a sort of underground power struggle between worker and boss that is harmful to the work climate and the general morale. This is a power struggle that the supervisor must win if relationships with other workers are to be successful.

POSITIVE APPROACH

If you stop thinking discipline–punishment and start thinking discipline–rule compliance, you can begin to see that other ways of enforcing the rules are possible. For example, what is the most frequent cause for breaking rules or going against company policies or failing to follow procedures? Up to 90 percent of the time, people do not know that they are doing something that they are not supposed to be doing. They didn't know that you must not leave the hollandaise sitting all day on the back of the range. They didn't know they shouldn't let the patient in Room 302 have the sugar packets left on other patients' trays. They didn't know that champagne had to be chilled. They didn't know that they had parked in the general manager's parking space. They didn't know that guests weren't allowed in the wine cellar and you taught them that the customer is always right.

So when rules are broken, the action you take is to inform and correct. Even though you have handed out employee manuals and have told people the rules and trained them in their jobs, there are still things they don't know, or don't understand, or don't recognize in a new situation, or forgot, or they saw somebody else doing something and thought it was all right. So the positive approach to discipline is continuous education and corrective training whenever the rules and procedures are not being observed.

The philosophy behind the corrective approach is a Theory Y view of people: By and large people are good, they will work willingly, they want to learn, they welcome responsibility, they are capable of self-direction and self-discipline. They will do their job right if you tell them what you want them to do. The approach to discipline is educative and developmental: You inform people why the rule or procedure is

important and how to carry it out correctly. The goal is to turn workers into productive employees who are self-motivated to follow the rules and procedures.

This approach to discipline is really an extension of the coaching process—observation, evaluation, and continued training as needed. It approaches rule breaking as a problem to be solved, not as wrongdoing to be punished. It does not threaten people’s self-respect, as punishment does; rather, it enlists their efforts in solving the problem.

There will still be some people who go on breaking rules, people who are irresponsible or lazy or hostile or who just don’t care. So there must still be some last resort disciplinary action if rule breaking persists. But persistent rule breaking doesn’t happen nearly as often as it does with the punishment approach.

For chronic rule breakers, there is a three-stage formula for disciplinary action that parallels the stages of negative discipline. However, it is not punitive: Rather, it places the problem of correction squarely in the hands of the offender. The employee now has the responsibility for discipline.⁴

- *Stage 1: oral reminder.* In a friendly way, you point out the rule violation as you see it happen. You talk to this person—let us say that it is Jim—formally about the seriousness of the offense, the reason for the rules, and the need to obey them. You listen to what Jim has to say in explanation and express confidence that he will find a way to avoid repeating the action.
- *Stage 2: written reminder.* This follows further rule breaking. You discuss privately, in a very serious manner, the repeated or continual violation of the rules, and you secure Jim’s agreement that he will conform in the future to company requirements. Your attitude is that of counselor rather than judge or law enforcement officer: You avoid threatening him. Following this meeting you write a memorandum summarizing the discussion and agreement, which both you and Jim sign. It is wise to have a third party present at this discussion to act as a witness if needed later. This memo goes into Jim’s permanent file.
- *Stage 3: termination.* Since Jim has broken not only the rules but also the agreement, there is a clear reason for the termination.

This punishment-free formula for disciplinary action is known as *positive discipline*. Figure 10-4 compares it stage by stage with the negative discipline method.

Positive discipline works. Many people who use it report that about 75 percent of the time employees decide to come back and follow the rules. They may not maintain their turnaround indefinitely, but three months or even three weeks of productive behavior is preferable to finding someone new—and it is infinitely better than the hostile employee you are likely to end up with after an unpaid layoff.

Check Your Knowledge

1. What is discipline? Whose responsibility is it?
2. List the three essential steps of successful discipline.
3. What is negative discipline?
4. What is the positive approach to discipline?

ADVANTAGES OF THE POSITIVE APPROACH

Using a positive approach from the outset has distinct advantages over the negative system. Honest mistakes, infringements of rules, and violations of policies and procedures are educated out of people’s work habits early, before they have time to become

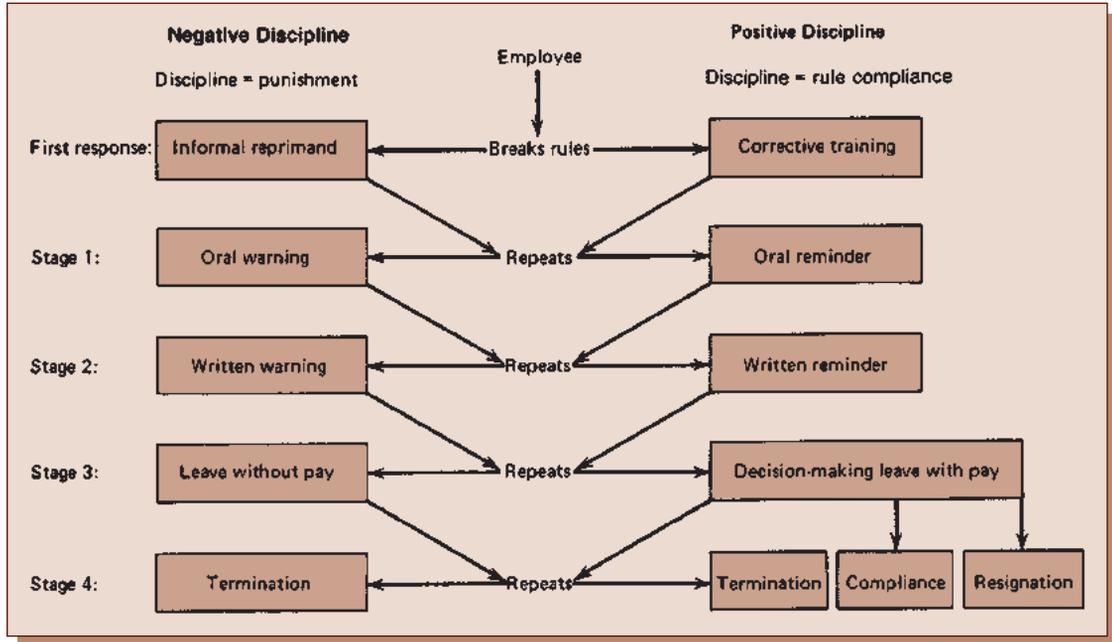


FIGURE 10-4: Negative and positive disciplinary action compared.



It is better to avoid confrontational situations by adapting a positive proactive approach to policy and procedure violations.

issues demanding confrontation. Many discipline problems simply do not happen. The negative consequences of punishment do not fester their way through the work climate. The worker feels no need to get even. The boss and the worker do not become adversaries.

Under a negative system the worker is likely to see the manager as someone to avoid and fear. With a positive approach the boss becomes the good guy in the white hat, the coach and counselor who facilitates the employee's work. There is an opportunity for a good relationship to develop. Even if a problem reaches the point of taking leave, the worker is not likely to come back hostile because the employee has no need to save face.

With a positive discipline system the supervisor is more likely to deal with problems early and to be consistent in discipline. A reminder is quick and easy. A reprimand takes time and is unpleasant; you are busy so you look the other way, and pretty soon everybody is taking advantage of you.

Positive discipline lowers costs by reducing the number of disciplinary incidents, reducing turnover, reducing mistakes and poor workmanship, and providing an orderly work environment and a positive work climate favorable to productivity and good morale. Such savings are hard to measure. Punitive discipline raises costs by increasing turnover, reducing motivation, and causing hostility and disruptive behavior. Such costs are also hard to measure.

The cost of the paid leave is one that many managers boggle at: Why should you pay a rule-breaker to stay home and think about it, on top of paying someone to replace the rule-breaker at work? However, that is all you pay for the opportunity to end the rule breaking once and for all. Overall, considering the savings of the positive system and the hidden costs of the punitive system, you come out way ahead.

One of the most important contributions of a positive discipline system is that the *decision-making leave with pay* does turn some people around permanently. It brings them face-to-face with themselves and puts their future in their own hands. This can become a new starting point for them. The supervisor can then play a key role by supporting all attempts to improve and by giving encouragement, positive reinforcement, and recognition for success. This is one of the few ways of transforming a hostile employee into a responsible and productive worker. It is a very rewarding kind of supervisory success.

Decision-making leave with pay

The final step in a positive discipline system in which the employee is given a day off with pay to decide if he or she really wants to do the job well or would prefer to resign the position.

SHIFTING FROM NEGATIVE TO POSITIVE DISCIPLINE

The biggest problem of using the positive approach is in shifting from one approach to the other. As a person starting out in your first supervisory position, you might not have this problem. But supervisors who are used to administering penalties and punishments often have trouble shifting gears. To begin with, they may have difficulty accepting the idea of paying an employee to stay home and think things over. It seems like a reward for bad behavior, and it seems unfair to the people who follow the rules and are working hard for their day's pay.

The second problem is shaking loose the habit of thinking in terms of punishment and substituting the attitude of educating and helping people to avoid breaking rules. Leaders may *believe* in punishment. They may have been brought up with this type of discipline both at home and at school. It is hard to begin to teach, to help, to develop a

rule-breaker when you have always reprimanded, warned, threatened, and punished. It requires an entirely new set of attitudes as well as a new tone of voice.



Administering Discipline

In the hospitality industry we sometimes find that management is reactive rather than planned—that is, reacting to events as they happen, dealing with problems as they come up. Certainly, enforcing the rules is one of the most reactive aspects of the supervisor's job. Even when the general outlines and the essentials are clear in your mind, each instance of enforcing the rules and procedures makes its own special demands, and positive and negative approaches seem less clear-cut and obvious.

ADAPTING DISCIPLINE TO THE SITUATION

Many companies have a *uniform discipline system* that prescribes the specific disciplinary action for each rule violation each time a given employee breaks that rule. Figure 10-1 gives you an example. A system such as this provides a companywide set of directives that tell the manager exactly what to do. It takes the subjectivity out of disciplinary action and gives support to the supervisor, especially when drastic action is needed.

Uniform discipline system

A system of specific penalties for each violation of each company rule, to be applied uniformly throughout a company.

Yet even with a company system there is a good deal of room for your own method of administering it. Seldom are discipline situations black and white. You have to investigate the facts and exercise your own judgment in the light of all the relevant factors. Human skills and conceptual skills are involved.

Usually, disciplinary action should be adjusted to circumstances. One of the things that you should consider is the intent of the rule-breaker. Was it an accident? Was the person aware of the rule or requirement? Was it a case of misinformation or misunderstanding? Could it have been your fault? Another consideration is extenuating circumstances such as severe personal problems or a crisis on the job. Still another consideration is the number of times that a person has done this type of thing before. Another is the seriousness of the offense. What are its consequences for the product, the customer, your department, the company? What will be the impact of your response as a deterrent to others?

You may handle different people differently for the same violation: You may take a hard-line approach with a hostile troublemaker but treat an anxiety-ridden first time offender gently. This does not mean that you are being inconsistent; you are enforcing the rules in each case; you are not permitting either of them to go against regulations. As with everything else in this profession, you must be able to adapt your discipline to your own leadership style, to your workers and their needs and actions, and to the situation at any given time and all the time.

SOME MISTAKES TO AVOID

One of the biggest mistakes that new managers make is to start off being too easy about enforcing the rules. They want people to like them, and they let people get away with small things that are against the rules, and perhaps even a few big things, just because

they think people will like them for it. For example, you see one of your people lighting up a cigarette five minutes before closing and you just look the other way. If you were promoted from an hourly position, you may still have the worker's view of the rules and you can empathize with that person's feeling about that cigarette and that rule against smoking on the job. You may even disapprove of some of the rules you are supposed to enforce. It is very easy to let many things slip by.

This is just about the most difficult way you can start off your supervisory career. By saying nothing when a violation occurs, you are actually saying, "It's okay to do that." Right off, some people will begin to test you, to see how far they can go before you take any action, and pretty soon you will have a real problem on your hands getting people to follow rules and meet standards.

It is always easier to start out by strictly enforcing every rule and regulation than it is to try to tighten up later. People feel betrayed when you switch from leniency to enforcement, and they suddenly decide that you are bad, mean, and tough to work for. Besides, it is your obligation as a manager to enforce the rules. Even when you think rules are unfair, you do not take it upon yourself to change them by not enforcing them. Rules can be changed, but the way to do it is to go through channels and get the changes approved. Often, supervisors look the other way because they are simply too busy to cope with discipline. You just don't have time for this today, you don't want the hassle, and you've got to get the work out, so you let things slide.

Sometimes, correcting people's behavior just doesn't seem to do any good. You go over and over and over a procedure with a certain worker but nothing seems to change, and you reach a point where you start taking those little white pills your doctor gave you for indigestion, and finally, you stop wrestling with the problem and do nothing. Still another reason for doing nothing is that if you fire this person, you might get a new employee who is even worse. Another reason is that you don't think your manager will back up your action, so you just don't take any.

Sometimes, leaders are too slow to respond to an emerging problem. There are a number of reasons for this: The tendency to see an emerging problem (e.g., a first instance) as an accident and something not worth addressing, the desire to have harmony, the perception that discipline is a cause of disharmony, and simple dread. The reason why delay is problematic is that it sends a message that undesirable behavior will be accepted or even not noticed.⁵

All these reasons for letting people get by with rule-breaking or substandard performance add up to the same problem: It gets harder and harder to maintain discipline. And it gets harder and harder to manage your people in other ways as well, because you lose their respect. In effect, *they* gradually take charge of the way they do things. The work suffers, quality of product and service suffers, customers complain, costs go up, and you are failing at your job as a manager.

Another mistake in disciplining is to act in anger. Anger will make the worker defensive and hostile, and you will seldom use good judgment in what you say and do. You won't stop to get the facts straight, you may be harsh and vindictive, you may make a threat you can't carry out, or do some other thing you will regret later. If you overreact, if you are wrong, you lose face and you lose some of your control over your people.

Threatening to take any action that you do not carry out is very common, and it is always a mistake. It is like looking the other way: It invites testing and rule-breaking. You have to stick to whatever you say you will do: You have no alternative.



Putting somebody down in front of other people is another way to ask for an uncooperative employee. It is one thing to correct someone quietly in the presence of others: “I just want to remind you that we always use the guard on the slicer.” This approach informs and teaches on the spot, and although it is a form of public discipline it does not belittle, embarrass, or humiliate. But yelling, threatening, or making a fool of someone in front of others will certainly have the familiar consequences of resentment and hostility.

A different kind of mistake is to exceed your authority in taking disciplinary action. You must know exactly what your job empowers you to do as well as everything there is to know about company policy and practice. If there is a company system of procedures and penalties, you must follow it. If you are thinking of terminating someone, make certain that you have the authority to do so and find out the termination procedures your company requires. It could be quite embarrassing if you threatened to fire someone and then found out you couldn’t. And it would be a disaster all the way around if you fired somebody and then had to take that person back.

Another critical error is to try to evade the responsibility for taking disciplinary action by shifting it to your boss or the personnel department or by delegating it to someone under you. If you do this, you simply become a straw boss and your people will have no respect for you. Discipline is an obligation of supervision, and your success as a manager depends on it.

Unexpected discipline will always meet with resistance and protest. This often happens when a rule has not been enforced for some time and the manager suddenly decides to tighten up. It is important to give warning about either a new rule or a new policy of enforcing an old rule, with a clear statement of the consequences of breaking it.

Some other things to avoid are:

- Criticizing the person rather than the behavior. Keep personalities out of discipline.
- Waiting too long to take action. The longer the gap between incident and action, the more likely the action is to be interpreted as a personal attack.
- Touching someone when you are disciplining. It can be interpreted as intent to do physical harm or as sexual harassment.
- Being inconsistent. You must avoid partiality, and your actions must be fair in your workers’ eyes.

TAKING THE ESSENTIAL STEPS

The set of procedures that follows is one you should use when you are confronted with a serious infringement of regulations or a less serious but chronic failure to observe the rules of the operation or the requirements of a job. There are six formal steps to enforce compliance. These steps apply no matter what approaches to disciplinary action—negative or positive—you intend to follow. They apply to each stage of the disciplinary sequence (Figure 10-4) and they amplify what should take place at each stage.

1. *Collect all the facts.* Interview any employees involved and any witnesses, especially other supervisors or managers. Write it all down. Make every effort to sort out fact from opinion, both in what others say and in your own mind. Avoid drawing conclusions until you have the full picture. Use these questions as a guide:
 - a. Was the employee’s action intentional? Was it an accident? Was it the result of misinformation or misunderstanding? Could it have been your fault?



DISCIPLINE REPORT	
Employee: _____	Date: _____ Time: _____ Place: _____
Incident as you saw it:	
Employee's account:	
Witness name: _____	Position: _____
Witness's account of incident: (Must be a manager)	
Extenuating circumstances:	
Past record:	
Details of disciplinary interview:	
Action taken:	
Date: _____	Supervisor: _____

FIGURE 10-5: Report form for developing a written record of a disciplinary incident.

will have an employee who refuses to sign the report because he thinks that his signature will signify that he agrees with the contents of the report, or in other words, he is guilty as charged. When this happens, explain that the signature signifies understanding of, not agreement with, what is stated. If the employee continues to refuse to sign, you should write “Refused to Sign” on the report.

- d. Close on a positive note by stating your confidence in the employee to improve and resolve the issue. Also express your genuine desire to see improvement.

5. *Make sure that you have everything written down.* Why is it important to have everything written? There are several reasons. First, in the event that the employee ever takes you to court or an unemployment compensation hearing, you will need written documentation to help build your case. Second, the process of writing down helps you see the situation more objectively and focus on job-related issues. Third, because your documentation includes the employee's improvement plan, it helps the employee to improve.

When documenting, be specific about what the employee did and the circumstances surrounding the situation. Focus on observable, verifiable facts; be nonjudgmental. Document facts, not opinions or hearsay—they have no place in documentation. Include who, what, where, when, and how. Document accurately and thoroughly, including information obtained during your investigation and during the disciplinary meeting. Always document as quickly as possible; otherwise, you will forget many of the details. Also include objectives for future performance and the consequences for not meeting the objectives.

Check Your Knowledge

1. Positive discipline can result in a reduction in what three areas?
2. What is the uniform discipline system?

6. *Follow up.* You do everything you can do to help the worker meet your expectations while staying on the lookout for further troublemaking of any kind. If the behavior does not meet your stated expectations, you must take the next step as promised.



Termination

SALVAGE OR TERMINATE?⁶

Do You Know?

Before you terminate an employee, what questions should you ask yourself?

If you had performance standards, you trained people carefully, and have evaluated and coached and corrected them on a more-or-less daily basis, you would pretty quickly spot people who are never going to make it in their jobs. They aren't exactly rule-breakers, they just don't perform well, are absent a lot, or do some dumb thing over and over and over and you just can't get them straightened out.

If you hired them, your best bet is to terminate them before their probationary period runs out. But you may think that you can turn them around, and you work and work and work with them, and finally, you have to admit that they are hopeless and you are stuck with them. You may also have inherited some of these people.

What are you going to do? Should you fire Jerry for going right on overpouring drinks although you have showed him every blessed day the right amount to pour? How can you get rid of Kimberly when you can't even figure out what to pin her trouble on, because it's something different every day? Can you terminate Alfred for being an alcoholic when he has been here five times as long as you have and is twice your age? Should you terminate any of them, no matter how bad their work is?

Sometimes managers will try to *debire* people by making them want to leave the job or look for something else. In this approach, a manager gives other people all the work and leaves this person with nothing to do or in other ways hints that it would be wise to look for another job. It is a destructive way of handling a person, and it does not work

very well for the manager either. Legally, it is a practice that is open to all kinds of discrimination lawsuits and should be avoided. You have no control and you have to wait for this person to take the step of leaving while you go on paying wages for little or no work done. It is both kinder and better either to terminate outright or to keep on trying to salvage this worker.

Dehiring

Avoiding termination by making an employee want to leave, often by withdrawing work or suggesting that the person look elsewhere for a job.

From the productivity point of view and your own frustration level, it would probably be far better if you simply terminated all these very poor performers. But there are other considerations. Length of service is one. The longer people have been working for a company, the harder it is to fire them. Company policy and if there is a union; union rules, come into play here; you may not have a choice. Seniority is one of the most sacred traditions in U.S. industry.

A person's past record is another consideration. You may have people who are chronically late to work, and if they always have been, they probably always will be. On the other hand, if a person has had a good performance record and there is a sudden change, whether it is coming in late or some other drop in performance, that person is probably salvageable. Another consideration is how badly you need a person's skill or experience. In a tight labor market, even somebody who does not meet standards is better than nobody.

It is very difficult to fire someone who desperately needs the job even if the person is terrible at it. You might bring yourself to do it if you had to look forward to 30 years of coping with this substandard worker. If the person in question is a senior, you cannot terminate him or her on the basis of age, but you can terminate the person for inability to do the job to the standard required, once you have given the employee ample chance to improve and have been through the steps of verbal warning, written warning, and so on.

It is also difficult to fire someone who you are pretty sure will make trouble about it. In this case it is wise to consult with your boss or the human resources department or both. (Some companies have a policy that only the director of human resources and the general manager or department head may terminate an employee. In any event, there should always be a warning of the termination, in case of later legal action.)

Perhaps the most difficult question to figure out is the effect on your other workers of terminating someone. They may have resented that person's poor work and be glad to see you hire someone who they do not have to fill in for all the time. On the other hand, they may have been imitating this person and slowing down the whole operation—a bad example is always easier to follow than a good one. Or they may be fond of this character and will be angry if he or she is terminated. Some of them will be worried and upset about whether the same thing will happen to them. A termination is always something of an upheaval, and you may have to cope with some repercussions.

You have to consider the cost and trauma of hiring a replacement against the cost and trauma of retaining this person. You also have to consider whether your authority entitles you to terminate. In fact, you should consider this first.

If you decide to salvage, you have a few options open. You can try people in different jobs. You can look for special talents and interests and try to motivate them with some form of job enrichment. You can counsel the alcoholic to go to a clinic for rehabilitation. You can investigate the case of the sudden performance drop and try coaching this person back to the old level. Or you can grin and bear it.

PROFILE Ryan Adams, Rooms Division Executive, The Ritz Carlton Hotel, Denver, Colorado



Courtesy of
Ryan Adams

There are many examples of good supervision that I could cite. However, there is a distinctive difference between what is taught and what is realistic. The first three words that I think of in terms of good supervision are legal, ethical, and moral. Books tend to give

black-and-white examples with black-and-white results. This is not reality in the hospitality industry.

A good supervisor must be respectful of everyone on every level. You are in the middle of the line-level employees, the middle managers, and the top management. You have to be able to juggle the concerns of your direct manager with the challenges of your staff and still try to impress the top-level managers when they are around. This can be a difficult balancing act.

You have to draw a line—often the most difficult decision for a supervisor. Most supervisors have

climbed their way up the ladder and are often viewed as one of the crew. You must distinguish yourself as a manager or else your staff will try to take advantage of you. Everything you do is being watched on every level. Now more than ever it is essential to put your foot down and establish your mark. It is often said that “being a manager is not a popularity contest”—this could not be more true. Being a supervisor can often be a lonely position.

When an employee comes to you, stop what you are doing and give the person your undivided attention. Look the employee in the eye and really hear what he or she is saying. When the person has finished talking, paraphrase what has been said so that you understand and can empathize with the feelings expressed so that he or she is validated, and then offer counseling to help resolve the concern. This is easier said than done. As a supervisor, you always have to be on top of your game. This means knowing policy and procedures, knowing the union’s contract if your business is unionized. You have to be an expert in the human resources field. If you do not know, you always have

Given the risk of legal complications—which can cost an employer \$15,000 plus to defend whether they are right or wrong—the job of terminating someone has become more difficult and important than ever. Every year thousands of employers are hauled into court by former employees claiming they were fired illegally. Attorney James P. McElligott offers these suggestions to help avoid the nightmare of a wrongful termination lawsuit:⁷ Establish clear performance expectation; maintain clear communications; document everything; ensure you allow the employee a chance to respond; do not discriminate—almost everyone belongs to a “protected group”; conduct regular employee evaluations; and deal promptly with performance problems.

JUST-CAUSE TERMINATIONS

If you think that it may be an appropriate time to terminate an employee, first make sure that it isn’t something for which you can’t fire the employee, such as discrimination (Figure 10-6). You can fire employees for *just cause*, meaning that the offense must affect the specific work the employee does or the operation as a whole in a detrimental way. Before terminating anyone, ask yourself the following questions:



(continued)

your manager to fall back on or the human resources department. If you are not sure, ask; it is better to find out than to make an error that can cost big money. If you do not know the answer to a particular question, tell the employee that you will get back to him or her with the answer. Make sure that you follow up or the person will feel that you are incompetent and untrustworthy. If this occurs, you will have to make huge strides to improve that relationship.

Trust and empower your people. If you really want to shine and make your staff feel good about their jobs, trust them. Delegate side duties and additional responsibilities. Make sure that you give them the proper praise for their work; they will not forget that you did not praise them for their help and may be reluctant to offer in the future. Let your staff make decisions. Give them the guidelines to make decisions and train them. Role-playing is a great way to prepare them for the chaos they will experience. This will enable you to take on more responsibility from your managers, and your staff will be confident to respond to smaller problems that would otherwise tie up your day.

In discipline situations, never have the paperwork already filled out. Make notes, but do not just present the write-up without talking to your employee first. They

will feel like you did not even give them a chance to explain. You assumed they were guilty right off the bat and they will feel like they never had a chance.

Always check on your staff and make sure that you take time out of your day at some point to make small talk. Often, when an employee makes the transition to supervisor, he or she forgets how he or she wanted to be treated when an employee. It is easy to adopt negative or undesirable traits of managers of the past. Always be objective and never lose the person you are—that is what got you there in the first place. Always be on time to meetings or at least call in advance to notify someone that you cannot attend. Make your manager's concerns your priority, your staff's needs mandatory, and the vision and values of your company your guiding principles. If you do not believe in what the company stands for, it is difficult to share that vision with others. Remember, you are not just a manager, you are a leader. This means taking your staff to a place they would not have gone otherwise. As a manager, what gets done gets measured. Not that this is right—it is a fact and thus a big part of your evaluation.

1. Did the employee know the rule, and was he or she warned about the consequences of violating the rule? Are these understandings confirmed and acknowledged in writing?
2. Were management's expectations of the employee reasonable? Was the rule reasonable?
3. Did management make a reasonable effort to help the employee resolve the problem before termination, and is there written proof of this?
4. Was a final written warning given to the employee explaining that discharge would result from another conduct violation or unsatisfactory performance?
5. In the case of misconduct, did the employee act in willful and deliberate disregard of reasonable employer expectations? Was the situation within his or her control? If the situation was out of the employee's personal control, he or she cannot be charged with misconduct.
6. Was management's investigation of the final offense done in a fair and objective manner, and did it involve someone other than the employee's direct supervisor? It is best that the employee's supervisor not function alone and fill the roles of accuser, judge, and jury. Is there substantial proof that the employee was guilty?

1. Race, color, gender, or national origin (Title VII of the Civil Rights Act of 1964).
2. In retaliation for filing discrimination charges (Title VII of the Civil Rights Act of 1964).
3. For helping other employees who have been discriminated against by a company for exercising their civil rights (Title VII of the Civil Rights Act of 1964).
4. For testifying against a company at an Equal Employment Opportunity Commission hearing (Title VII of the Civil Rights Act of 1964).
5. Because the employee is over 40 years old (Age Discrimination in Employment Act of 1967, as amended).
6. Forcing retirement or permanent layoff of an older employee (Age Discrimination in Employment Act of 1967, as amended).
7. Because she is pregnant (Pregnancy Discrimination Act of 1978).
8. In retaliation for reporting to a state or federal agency unsafe working conditions (Occupational Safety and Health Act of 1970).
9. For filing an OSHA complaint (Occupational Safety and Health Act of 1970).
10. For testifying against the company in an OSHA related hearing or court related action (Occupational Safety and Health Act of 1970).
11. A handicapped employee because of the handicap (Americans with Disabilities Act of 1990).
12. To avoid a pension or benefit plan, such as group health insurance (Employee Retirement Income Security Act of 1974).
13. For performing National Guard duties.
14. For “whistle-blowing” illegal acts by the employer or other employees.

FIGURE 10-6: Inappropriate Reasons for Terminating an Employee.

7. Is dismissal of the employee in line with the employee’s prior work record and length of service? When an employee has many years of service that are documented as satisfactory or better, he or she is generally entitled to more time to improve before being dismissed.
8. Did the employee have an opportunity to hear the facts and respond to them in a nonthreatening environment? Was the employee able to bring someone into the disciplinary interview if requested?
9. Has this employee been treated as others in similar circumstances? Has this rule been enforced consistently in the past? If the rule has not been enforced consistently, you may have to forgo terminating the employee and instead, go back a step, such as to suspension. In the case where a rule that hasn’t been enforced starts to be enforced again, you have to inform employees beforehand of the change.
10. Is the action nondiscriminatory? Has equal treatment been given to members of protected groups (minorities, women, employees over 40 years of age) and nonprotected groups?

These questions are only guidelines for determining *just-cause termination*. Even if you can answer yes to every question presented here, there is still no guarantee that you won’t wind up in court. If you decide to terminate, all the basic procedural steps spelled out for disciplinary action apply to this final decision. You state the problem in writing, collect the facts, make your decision, and take the action.

THE TERMINATION INTERVIEW⁸

Just-cause termination

Employee termination based on the commission of an offense that affected detrimentally the specific work done or an operation as a whole.

Few people like telling an employee that he or she is terminated, fired, dismissed. The best way to reduce your nervousness and make it less stressful for the employee is to prepare for the termination interview by using something like the termination interview checklist shown in Figure 10-7. The checklist can help you to:

1. Select a good time and place to conduct the interview.
2. Determine who will be present at the meeting (you should have at least one person as a witness), as well as whether the employee needs to be escorted out of the building.
3. Develop your opening statement and practice it.
4. Determine how best to respond to possible employee reactions.
5. Determine the final pay, severance pay, and benefits to which the employee is entitled.
6. Develop a list of clearance procedures to be performed at the end of the interview. The timing and place for the interview are important. Although conventional wisdom says to fire an employee at the end of a workweek, that is not necessarily the best line. By firing the employee at the beginning of the workweek, you give him or her a chance to start immediately looking for a new job, instead of complaining and becoming upset at home. Nor is it wise to terminate employees near major events such as holidays, birthdays, or dates of their anniversary of beginning work with the company. Try to arrange a time when the employee can clean out his or her locker without other employees present.

The meeting should take place in a private room so that should the employee become unruly, guests and coworkers will not be disturbed. A room in the human resources department is ideal. Having prepared for the interview, it is time to speak with the employee. Although you may be nervous, it is probable that the employee is nervous as well. The employee probably knows what's going on and is anxious to get it over with, too. Employees who are fired are often relieved and go on to find new jobs that are much more satisfying. In some cases you might even feel that you did the employee a favor. Following are steps for a termination interview.

1. Do not beat around the bush. Avoid small talk and tell the employee that he or she is being dismissed, and why. Do so in a firm, calm manner. Avoid a discussion of all the details leading up to this decision. This is not the time for that; there has surely been plenty of previous counseling. Instead, state the category under which the discipline problem falls, such as excessive absenteeism, and mention the last step taken and how it was made clear that the employee faced termination for one more offense. Clearly communicate that the decision has been made and there is no possibility for negotiation. Explain that the decision is a joint decision in which others, such as the general manager and human resources director, have been involved. Reinforced in this manner, your authority will not be questioned as readily.
2. At this point, listen to and accept the responses of the employee. Be prepared for any type of response, such as anger, tears, amazement, or hostility. Figure 10-8 describes how to react to four different types of responses.

TERMINATION INTERVIEW CHECKLIST

Employee Name: _____

Employee Position: _____ Department: _____

Employment Date: _____ Termination Date: _____

1. Decide on where the interview will take place and when.

(Avoid firing at end of workweek or near the time of major events such as birthdays and holidays. Choose a time when the employee can clear out his or her belongings without other employees present. Select a quiet place where you will not be interrupted and the employee will not disturb others upon leaving.)

2. Determine who will be present at the meeting and whether the employee needs an escort out of the building.

(There should be at least one person as a witness, and probably a representative from human resources as well. If the employee is a member of a bargaining unit, use the contract as your guide.)

3. Develop an opening statement and practice it.

(Write out exactly what you are going to tell the employee. Make sure you state clearly that the employee is being terminated and include a brief summary of the reason(s). Make it clear to the employee that there are no options.)

4. Determine how best to respond to possible employee reactions.

(Think about how you expect the employee to respond and how you can handle each type of response. Your goal during the interview is to let the employee respond to the termination, within limits, and then proceed with getting the necessary information across.)

Possible Reactions: _____

FIGURE 10-7: Sample termination interview checklist.

Your Responses: _____

Record below any threats the employee makes about legal action during the interview.

5. Determine the final pay, severance pay, and benefits to which the employee is entitled, and communicate them.

Pay:

_____ Pay in lieu of notice (only in the case of unsatisfactory work performance) _____ Workdays

_____ Accrued vacation _____ Workdays

Payment by: _____ Lump sum _____ Payroll checks

Benefits:

Entitled to: _____ Explained: _____
 _____ Group health insurance continuation
 _____ Vested rights in pension plan

OTHER: _____

6. Clearance procedures.
 Make sure employee hands in the following:

_____ Locker keys
 _____ Uniforms
 _____ Name tag
 _____ ID card

Completed by: _____ Date: _____

FIGURE 10-7: (continued)

Type of Emotional Response	What You Can Do
1. Crying	<ul style="list-style-type: none"> ■ Let the employee cry it out. ■ Do not apologize for your actions. ■ Show concern by offering a tissue, something to drink, or a moment of privacy if appropriate. ■ Staying calm and businesslike, think about the next step in the interview.
2. Shouting and cursing	<ul style="list-style-type: none"> ■ Keep your own emotions under control and maintain a calm and cool demeanor. ■ Make it perfectly clear to the employee that you will continue the conversation only when the shouting stops. Use your normal tone of voice; do not show irritation. ■ Tell the employee that you would like him or her to know the arrangement for termination pay and benefits.
3. Unresponsive	<ul style="list-style-type: none"> ■ Be empathic, but also continue the interview. ■ Do not ask the employee questions such as “How could you be shocked at this news?” Do not play counselor when the employee withdraws. ■ Confirm all details in a letter.
4. Employee leaves after your opening statement	<ul style="list-style-type: none"> ■ Tell the employee that you really do not want him or her to miss hearing the arrangements made for termination pay and benefits.

FIGURE 10-8: How to React to Employees' Emotional Responses.

3. Now is the time to say something positive to the employee to maintain his or her self-esteem, which at this point is probably sagging. Make a statement about something that you, and others, really like about the employee. Perhaps the employee has a good sense of humor or was thoughtful of coworkers.
4. Move on to a discussion of final pay, severance pay, and benefits to which the employee is entitled.
5. Finally, explain your clearance procedures and give the employee clear instructions about what to do after your discussion. Do you want the employee to go straight to his or her locker, clean it out, and leave quietly? Is there someone who will escort the employee out of the building?
6. End the interview by standing up and moving toward the door. Avoid making any physical gesture, such as shaking hands or putting your hand on the employee's shoulder, which could be taken the wrong way by someone who is upset and angry. Try to close on a positive, friendly note.

Keep the pace moving during the termination interview. The entire interview should be over in about 10 to 20 minutes.

After the interview, be sure to document important details, including the employee's reaction, any threats that may have been made, and any comments made about the fairness of the decision. Routine terminations lacking clear resolutions can come back to haunt a business. Be sure to keep everything confidential; inform only those employees who must know. If you tell the employee's former coworkers about the dismissal, you are leaving yourself open to be sued for slander.



Employee Assistance Programs

Counseling programs called *employee assistance programs* (EAPs) are an expansion of traditional occupational alcoholism programs, which began appearing years ago. Larger companies are more likely than smaller companies to have EAPs. Companies such as Marriott, KFC, and Lettuce Entertain You offer counseling and referral services to some or all of their employees.

An EAP is an employer-paid benefit program designed to assist employees with personal problems. EAPs offer outsourced counseling and referral to a range of professional services. The rationale behind the programs is that getting a valuable employee “back on track” is worth doing for them, their families, and the company.

The EAP handles a wide range of problems. These include problems related to:⁹

- Emotional
- Family
- Marital
- Mental Health
- Stress
- Financial
- Substance Abuse
- Legal
- Work Place
- Elder Care

Signs of employees in need of help are increased tardiness, fatigue, missed goals, inappropriate behavior, medical problems, psychological problems, stress, and increased sick days. If there is a performance-related work problem, then supervisors and human resources can investigate the situation and require all concerned to submit a report. EAPs work with employee discipline and counseling to retain employees who need temporary assistance. The approach to take is called *intervention* rather than confrontation. Most larger companies have an EAP program that employees can use free of charge for counseling and for various types of assistance such as legal, financial, and family needs. Another reason for companies to offer EAPs is because, legally, alcohol abuse is classified as a sickness and should be treated as such to allow an employee a chance to get help and hopefully recover. Figure 10-9 lists behavioral indicators of possible impairment/unfitness for duty.

Employee assistance program (EAP)

A counseling program available to employees to provide confidential and professional counseling and referral.

The following list of indicators ranges from those which are very clear and compelling to others which may be ambiguous. The supervisor is in the position of having to make a judgment based upon the facts at hand (i.e., the employee's immediately observable behavior as it relates to job performance). Supervisors should be particularly alert to behaviors which are abnormal, uncharacteristic, or inappropriate to the context of the work environment.

Physical Appearance:

Impaired coordination, unsteady gait, staggering, poor balance
 Tremors, shakiness, dizziness, seizures
 Impaired muscular control, poor performance of gross or complex motor tasks
 Bloodshot eyes, dilated or constricted pupils, watery eyes
 Excessive sweating, chills, nausea
 Abnormal drowsiness, "nodding off," excessive fatigue, stupor
 Blank expression, unresponsive
 Inappropriate or bizarre dress, neglect of personal hygiene or appearance

Unusual/Abnormal Behavior:

Markedly poor judgment, impulsivity
 Carelessness, risk-taking behavior, neglect of safety procedures
 Marked irresponsibility, indifference, or rigidity
 Marked anxiety, agitation, panic
 Mood swings, erratic behavior
 Apathy, lethargy, depression, despondency, suicidal thinking
 Euphoria, elation, "high," excessively talkative, overactive (restless)
 Over-reactiveness (verbal or physical)—boisterousness, irritability, argumentativeness, quarrelsomeness, belligerency, explosiveness, threats, assaultiveness, combativeness
 Slurred speech

Cognitive (Mental) Factors:

Inability to concentrate or comprehend, distractibility
 Memory deficits, lapses, forgetfulness
 Preoccupation, brooding, excessive daydreaming
 Confusion, disorientation, incoherence, irrelevancy
 Diminished level of consciousness, "out of touch"
 Impairment of communication—expressive or receptive
 Hallucinations (perceptions which are false/unreal)
 Marked suspiciousness, feelings of persecution, homicidal thoughts

FIGURE 10-9: Behavioral indicators of possible impairment/unfitness for duty.

The general purpose of an EAP is to provide a confidential, professional counseling and referral service to employees with problems such as addictions and dependencies, family problems, stress, and financial problems. An EAP can provide a comprehensive range of services:

- *Assessment:* identification of the nature of the problem
- *Intervention:* in the form of focused counseling by a counselor or referral to an appropriate community resource



- *Follow-up*: including monitoring of employee progress and assisting with reentry of the employee into the workplace when the employee has left rehabilitation
- *Managerial assistance*: providing technical assistance and emotional support to supervisors handling troubled employees

There are four steps to an EAP program: First: *Identify a troubled employee*, and advise them of available confidential counseling. Employees have the right to decline participation in an EAP but, refusing to do so may mean termination if the problem has a negative impact on the employee's work. Second: *Visit with a counselor*, who talks with the employee and may arrange for specialized treatment of the problem. Third: *Solve the problem*—naturally this could take just a couple of sessions, such as with a financial problem, or much longer for other problems. In either case, the employee is directed to someone who does not work for the company. Fourth: *Depending on the outcome of the treatment*, which, if successful, the employee returns to work. If, however, the treatment is not successful and the employee's performance is below expectations, then he or she is usually terminated. (Remember, termination is based solely on unacceptable work—nothing else. And also remember to give some grace, meaning, give them something positive like a week's pay so they are hopefully not so bitter that they commit an act of violence. Make sure you have someone with you all the time when terminating someone and an escort to your car after work.)

HOW TO MAKE EAPS WORK

There are five steps that make EAPs work, and like most other HR programs they are quite logical:

- Write a statement of policy and purpose with the goals and objectives of the EAP program and let all supervisors and all employees know that the program is freely available.
- Train supervisors and managers what to do, how to recognize a troubled employee, and how to let the employee know of available help.
- Set procedures for the referral of employees who need help.
- Establish communications to let employees know about the EAP and for what to do when referrals are necessary.
- Evaluate the program.

Remember, it's up to the supervisor to recognize the "troubled" employee and to discreetly talk to them in private (troubled employees will often be grateful to have someone to talk to, but remember you are *not* a trained counselor). Most employees will accept professional help and be appreciative of it. As a supervisor, you must document all the occurrences of underperforming employees, specifically where their performance is below expectations. Then the supervisor must talk with the employee about the poor work performance. The conversation should be in private and focus only on the work performance.

Check Your Knowledge

1. Describe an EAP
2. How do EAPs work?



The Leader's Key Role

The orderly and obedient carrying out of the work of an enterprise depends almost entirely on the effectiveness of the first-line leader in establishing and maintaining discipline. It is the manager who transmits the rules and policies laid down by management. It is the leader who orients, trains, and provides continuous information to associates so that they know what to do, how to do it, to what standards, and what will happen if they don't. And if it comes to that, it is the leader who sees to it that what is supposed to happen does happen.

But the effective leader does not let it come to that. With prompt action, a teaching–helping approach to discipline, and sensitivity to people's motivations and feelings, leaders can usually keep incidents from developing into disciplinary problems. Leaders who are consistent and fair, who follow the rules themselves, who create and maintain a positive work climate with good communications and good person-to-person relations are usually able to maintain good discipline with a minimum of hassles, threats, and disciplinary actions.

On the other hand, the leader who attempts to maintain discipline through threat and punishment is usually plagued with ongoing disciplinary problems because of the resentment and anger that such methods provoke. Such leaders often cop out by blaming workers for problems they have created themselves: “you just can't get good employees today.” In this case, too, it is the leader who creates the prevailing condition of discipline.

Nobody ever claims that discipline is easy, and nobody has a foolproof prescription for success. It is supervisory leadership and example that set the climate and the direction, and it is the supervisor, acting one on one, who makes it all happen.



KEY POINTS

1. Discipline refers to a condition or state of orderly conduct and compliance with rules, and also refers to action to ensure orderly conduct and compliance with rules. Both aspects of discipline are the responsibility of the leader, and both are essential to supervisory success.
2. The four essentials of successful discipline are a complete set of rules that everyone knows and understands; a clear statement of the consequences of failing to observe the rules; prompt, consistent, and impersonal action to enforce the rules; and appropriate recognition and reinforcement of employees' positive actions.
3. Negative discipline uses a fear-and-punishment approach and a four-stage progressive formula for disciplinary action: oral warning, written warning, punishment (such as suspension), and termination.
4. The positive approach to discipline is continuous education and corrective training whenever the rules and procedures are not being observed. The four-stage formula for disciplinary action includes oral reminder, written reminder, decision-making leave with pay, and termination (see Figure 10-4).



5. With positive discipline, the negative consequences of punishment do not fester their way through the work climate, and the boss and worker do not become adversaries. Positive discipline can result in reduced turnover, absenteeism, and disciplinary problems.
6. Some mistakes to avoid include starting off too easy about enforcing the rules, acting in anger, threatening to take any action that you do not carry out, putting somebody down in front of others, exceeding your authority, evading responsibility for taking action by shifting it to someone else, or disciplining unexpectedly.
7. The set of procedures to use when confronted with a serious infringement of rules include collecting all the facts, discussing the incident with the employee, deciding on the appropriate action (if any is to be taken), documenting the process, and following up.
8. You can fire employees for just cause, meaning that the offense must affect the specific work the employee does or the operation as a whole in a detrimental way. In this chapter we outlined 10 questions that need to be asked, such as, "Has the employee been treated as others have been in similar circumstances?" before deciding whether or not to terminate.
9. Figure 10-7 lists everything you need to think about before a termination interview. During the interview itself, you need to get right to the point, listen to the employee's response, state something positive about the employee, and then move on to severance arrangements and clearance procedures.
10. An employee assistance program provides confidential and professional counseling and referral service to employees with problems such as addiction and dependencies, family problems, stress, and financial problems.



KEY TERMS

decision-making leave with pay
 dehire
 discipline
 due process
 employee assistance programs
 intervention

just-cause termination
 negative discipline
 positive discipline
 progressive discipline
 uniform discipline system
 work rules



REVIEW QUESTIONS

Answer each question in complete sentences. Read each question carefully and make sure that you answer all parts of the question. Organize your answer using more than one paragraph when appropriate.

1. Define discipline. Why is it necessary in a hospitality operation?
2. In determining disciplinary action, to what extent should you as a manager consider circumstances, intent, past history, seriousness of the offense, and consequences of the disciplinary action? If you vary the penalty according to such factors, how can you avoid making subjective and inconsistent judgments?

3. Describe the four essentials of successful discipline.
4. Compare and contrast positive and negative approaches to discipline.
5. Describe five mistakes commonly made by managers regarding discipline. Why is each one a mistake?
6. For the third day in a row, you have heard complaints about foods prepared by Jimmy, the grill cook. You had a similar problem just last month and the month before. Describe the steps you will go through.
7. Explain what a just-cause termination is.
8. Describe the kind of person a manager might refer to an EAP counselor.



ACTIVITIES AND APPLICATIONS

1. Discussion Questions

- What does discipline have to do with discrimination? To avoid discriminating against them, must you be more lenient with a woman, an older person, a minority person, or some other person protected by law?
- What relationships do you see between discipline and communication? Between discipline and performance standards? Between discipline and motivation? Between discipline and leadership?
- Which style of discipline do you support: positive or negative? Why?
- Discuss the state of discipline in a place where you work or have worked in the past. Was there a set of rules and consequences that most employees were familiar with? Was discipline prompt, consistent, and impersonal? Were employees recognized when they did things right?

2. Group Activity: D-O-C-U-M-E-N-T

Using the letters in the word *document*, think of how you should document employee performance, such as “descriptive” for the letter “d.”

3. Group Activity: Dos and Don'ts of Discipline

In groups, write up a list of 10 dos and 10 don'ts concerning discipline as discussed in this chapter.

4. Case Study: “They Like It the Way It Is”

Rita is head cocktail server at a high-volume singles bar that serves both food and drinks. She has responsibility for a large staff of part-timers, most of whom she worked with as a server before she was promoted. They are a lively and individualistic bunch who regard themselves more as independent entrepreneurs doing business at this particular place than as loyal employees. Most of them pay little attention to rules about being on time, observing break times, wearing flashy jewelry, and smoking and drinking on the job. They are all high-volume performers, and that, she figures, is what matters. She looks the other way and lets them get away with a lot.

Yesterday, her boss, Sam, who was recently hired to manage the entire operation, called Rita in for “a little talk.” He offered her a cup of coffee, paused a moment, and then plunged



in. "I want you to be aware that the discipline in your part of this operation does not measure up to standard and is causing a great deal of trouble," he said. "The servers and kitchen staff are required to follow rules and are disciplined when rules are broken. They resent it when they see a cocktail server carry a drink into the employee lounge, have a cigarette with a customer, wear flashy jewelry, come in late and leave early, and take it for granted that the servers will cover for them. I'm sure you can understand how they feel."

"I don't see that their feelings are my problem," says Rita.

"I think they are," says Sam, "and I am asking you to begin enforcing the hours of work and the smoking and drinking rules for starters. How you do it is pretty much up to you, although I will be glad to help you work things out. I suggest we meet again tomorrow to discuss your plan and set some improvement goals." Rita is astonished. "Listen, Sam," she says, "any one of my people could get a job anywhere else in town in five minutes and I could, too. Improvement goals! They like it the way it is!"

"I know," says Sam. "But nobody else does. In fact, it has become a major problem that even customers have noticed, and its effect on the other employees could affect business. Think it over and we'll talk again tomorrow."

Rita's first reaction is defiance and anger, but she senses that it won't do her any good. She would rather stay here than change jobs, she is proud of being a supervisor, the money here is the best in town, and it's a fun place. Her next reaction is panic. How in the world can she make her people toe the line?

Case Study Questions

1. What common mistake has Rita been making? What effects has it had?
2. Do you agree that high-volume sales are more important than enforcing rules? Defend your answer.
3. Is it workable to have different standards of discipline in different departments? Why or why not?
4. What is your opinion of Sam's approach to the problem? How well did he handle the interview? What risks is he taking?
5. What should Rita do now? Consider the following possibilities, the pros and cons for each, the possible consequences, and the likelihood of success.
 - a. Resign and get another job (she has been offered one at the place across the street).
 - b. Lay down the law and threaten penalties for noncompliance.
 - c. Plunge right in and start slapping on penalties to show that she means business.
 - d. Ask her people to go along with the rules for a while because she is on the spot.
 - e. Start enforcing just one rule at a time.
 - f. Tell her people what Sam has told her, lay out the rules and penalties, and announce that enforcement will begin next week.
 - g. Ask Sam for help on strategy, tactics, and dealing with waitress reactions.
 - h. Ask Sam to lay it out to her people.
6. How do you think that Rita's people will react to her change of supervisory style? How will she keep them from quitting, and what preparations should she make for this possibility?



WEB ACTIVITY

- Go to the Web site www.workplacefairness.org/atwill and answer these questions:
 1. Can my employer terminate me without a good reason?
 2. What exceptions are there to the employment-at-will doctrine?



RELATED WEB SITES

National Labor Relations Board	www.nlrb.gov
Employee Assistance Program Directory	www.eap-sap.com/eap
Balance Work and Personal Lives	www.xylo.com
Center for Substance Abuse Prevention	www.samhsa.gov/casp
U.S. Food and Drug Administration	www.fda.gov
U.S. Department of Labor—Office of the Assistant Secretary for Policy	www.dol.gov/workingpartners/welcome.html



ENDNOTES

1. Smallbusiness.findlaw.com, July 27, 2007.
2. The original hot-stove model is generally attributed to Douglas McGregor of Theory X and Theory Y fame. It gave warning by being red hot.
3. Robert Bacal, "Five Sins of Discipline," Performance-apraisals.org, January 2005.
4. Personal conversation with Shirley Rickel, Director of Human Resources, Longboat Key Club, Sarasota, FL, October 4, 2007.
5. Robert Bacal, "Five Sins of Discipline," Performance-apraisals.org, January 2005.
6. This section is adapted from Lawrence Steinmetz, "The Unsatisfactory Performer: Salvage or Discharge?" *Personnel*, 1968, Vol. 45 No. 3, and from Richard Martin, "Costly Liability Can Result from Botched Dismissals, Faulty Paperwork," *Nation's Restaurant News*, September 15, 2000.
7. James J. Lynott, "How to Discharge an Employee and Stay out of Court," *Restaurant Hospitality*, July 2004, Vol. 88 Iss. 7, p. 62.
8. This section is adapted from Richard Martin, "Costly Liability Can Result from Botched Dismissals, Faulty Paperwork," *Nation's Restaurant News*, September 15, 2000.
9. The Labor Foundation and Community Service Agency INC, lesca.org, July 2007.