

# When and How to Counsel an Employee

January 2018



# Today's agenda

- ▶ What is counseling?
- ▶ How is counseling different from coaching and discipline?
- ▶ When should counseling occur?
- ▶ How do I counsel?
- ▶ When do I write a counseling memo?
- ▶ What do I include in a counseling memo?

# What is counseling?

- ▶ Counseling is a formal discussion between a Supervisor and an employee about an employee's job performance and areas needing improvement
- ▶ Counseling is not discipline
- ▶ Counseling involves a face-to-face, two-way conversation about a problem or situation and expectations going forward
  - ▶ Discipline seeks to correct employee behavior by issuing a penalty
- ▶ A counseling conversation is usually followed by a counseling memo that documents the conversation and the expectations

# What's the difference between coaching, counseling, and discipline?

## Coaching

- Parties involved: Supervisor and Employee
- Usually centers on learning something new or providing feedback
- Usually helpful in nature (advice, tips, pointers, suggestions, etc.)

## Counseling

- Parties involved: Supervisor and Employee
- Usually focuses on performance problems
- Does not seek to impose a penalty
- Documents that improvement is needed
- Lays out clear, actionable expectations
- Should be positive and constructive in nature

## Discipline

- Parties involved: Supervisor, Employee, Human Resources, and Union Representative
- Disciplinary action occurs after an investigation process
- Focus is on a problem, job performance, or behavior
- A penalty is usually involved (reprimand, fine, suspension, termination)

# When is it appropriate to skip counseling and take disciplinary action?

In instances of illegal, unethical, dishonest, or highly inappropriate behavior, it may be appropriate to initiate formal disciplinary procedures without prior counseling.

Examples:

- ▶ Verbal or physical assault
- ▶ Theft or destruction of State-owned property
- ▶ Insubordination
- ▶ Sexual harassment or discrimination



# Determining whether counseling is warranted

- Gather the facts
  - Review the severity of the incident or behavior
  - Review the impact it has on the workplace, job productivity, students, etc.
  - Review the circumstances surrounding the incident or behavior
- ▶ Ask yourself
  - ▶ Have you already provided training and coaching?
  - ▶ How does the employee know he/she did the wrong thing?
  - ▶ Is it likely to happen again (or did it happen previously)?

If after reviewing these factors the supervisor still has concerns, counseling is necessary and appropriate

# Why is prompt and timely counseling important?

- ▶ The incident is still easily remembered. Being able to recall specific and important details can help a counseling session go more smoothly
- ▶ Failing to act may give passive approval that the behavior is acceptable
- ▶ Counseling long after the incident may lead to employee suspicion of the supervisor's motives

Don't put off holding a counseling session. Failing to address poor performance now could result in bigger problems later.

# How do I conduct a counseling session?

1. Gather the facts
2. Prepare – know what you want to ask, say, and have the employee do going forward
3. Don't make it public
4. Don't rush the conversation
5. Be pleasant and optimistic
6. Explain your concern(s)
7. Ask for the employee's input
  - Two way conversation
  - Employee's perspective matters

# How do I conduct a counseling session? (cont.)

8. Take notes
9. Diffuse defensive reactions
  - “This is not disciplinary”
  - “I want to help you succeed”
10. Focus on the behavior; not the person
11. Be a good listener; give the employee a chance to speak
12. Keep an open mind

# How do I conduct a counseling session? (cont.)

13. Avoid making hasty decisions
14. Is it personal problems? EAP is here to help!
15. Set a plan for corrective action
16. Be courteous and supportive
17. Consider formalizing the session with a counseling memo



# Who attends a counseling session?

- ▶ The meeting is usually just the employee and the supervisor
  - ▶ The presence of more people (HR, union reps, or other parties) may increase the perceived level of conflict, increase defensiveness, and decrease the chances of a successful counseling session

# Preparing yourself for a counseling meeting

- ▶ Don't approach the conversation by thinking, "This will be a disaster!" Instead, tell yourself, "This will result in improved job performance and a stronger relationship"
  - ▶ Helping someone to be better at their job builds trust
- ▶ Remember that a person can't fix what they don't know is broken
- ▶ You are having a dialogue, not a debate
- ▶ Kindness matters

# Sample counseling conversation script

- ▶ *As I mentioned when I set up this meeting, I wanted to talk to you about (bad thing) that happened on (date).*
- ▶ *As I understand it (described what happened).*
- ▶ *Is that what happened? Is there anything else I should know? (Good quiet listening here)*
- ▶ *OK. So from your perspective (restate what was said and ask for clarifications, if necessary).*
- ▶ *I understand. Next time, this is what you're expected to do (describe expectations).*
- ▶ *(Describe why it's important to colleagues, the College, to be legally compliant, etc.).*
- ▶ *Do you have any questions?*
- ▶ *Is there anything I can do to help you be successful?*
- ▶ *(If applicable) I'll be drafting a counseling memo to summarize our meeting.*

# Does a union representative need to be present at the counseling session?

- ▶ No; the contracts don't require a union representative be present
- ▶ Supervisor's discretion
- ▶ If the employee requests a union representative be present, let them have one

# Can a counseling session become disciplinary?

- ▶ Yes, it's possible but not likely
- ▶ New information may arise out of a counseling session that may warrant disciplinary action
  - Ex.: Employee refuses to change, which might be insubordination
- ▶ The Supervisor should stop the counseling session immediately and contact Human Resources
- ▶ The employee may need union representation going forward

# When does a supervisor write a counseling memo?

- ▶ It depends; each case must be handled individually
- ▶ If it is clear that the employee won't make the mistake again, a counseling memo is probably not necessary
- ▶ If it's possible or likely it might happen again, it's probably necessary
- ▶ If this is not the first time an incident has occurred, it's necessary
- ▶ If you want to take disciplinary action in the future, it's necessary

# How do I know when a counseling memo is appropriate?

1. Previous verbal counseling sessions have failed to improve performance
2. The Supervisor does not have confidence the employee will correct improper behavior
3. The seriousness of the situation requires documentation
4. A plan for improvement was discussed during the counseling session and the memo will document specific instructions given to the employee

If any of these scenarios occurs, a counseling memo is appropriate and necessary



"What if we don't change at all ...  
and something magical just happens?"

# What things should I consider when writing a counseling memo?

1. Notify the employee that you intend to formalize the meeting with a memo which will go in the employee's file
2. Be timely in preparing and issuing the memo
3. Be summative and follow the same tone
4. Don't be punitive; don't characterize the memo as discipline
5. State the reason for the counseling session, the date, the time, and the place of the meeting
6. Detail the employee's response to your questions in the memo

# What things should I consider when writing a counseling memo? (cont.)

7. Describe how the employee is expected to improve and by when
8. Define a timeline for follow up
9. Recommend EAP (if applicable)
10. Be supportive and factual
11. Note on the counseling memo who will receive a copy
12. The memo should not be widely distributed
13. The employee must acknowledge (sign) the counseling memo
  - Means received, not necessarily agreement
  - If the employee refuses to sign, note it with your signature
  - The employee may write a rebuttal, which is attached to the counseling memo and placed in the employee's personnel file
    - You do not need to respond to the rebuttal

# Sample Counseling Memo

*On (date) (something bad happened). We met on (date) to discuss (what happened). You explained (other person's story).*

*I want to be clear that (details) shouldn't happen again. It is my expectation that going forward, you will (specific, clear instructions).*

*It is very important to (students, colleagues, comply with the law, etc.) that you (or we) (describe the right thing).*

*I have every confidence that this will not happen again.*

*cc: Personnel file*

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*Signature*

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*Date*

# Is it coaching, counseling, or discipline?

- ▶ A model employee with perfect attendance is 15 minutes late on a Friday morning.
  - Not coaching or counseling
- ▶ A model employee who usually has perfect attendance suddenly is late twice a week for several weeks in a row.
  - Coaching
- ▶ A six year employee in a student support office makes a rude comment to a patron in front of other staff members. This is the first time it's happened.
  - Coaching
- ▶ A six year employee in a student support office regularly makes dismissive and flippant remarks.
  - Counseling, or discipline if the employee has been counseled previously

# Is it coaching, counseling, or discipline?

- ▶ Students repeatedly complain about a faculty member making inappropriate comments in class.
  - Investigation and counseling or discipline (based on severity)
- ▶ An employee with six months on the job is found watching a YouTube video on their phone in the break room. It's not a scheduled break time.
  - Coaching or counseling depending on the circumstances. Is this the first time it happened? Or has it happened frequently? Did the employee miss their break time for some reason?
- ▶ An employee grows visibly agitated and tells another employee off in an aggressive manner. The employee immediately apologizes to his/her co-worker for the outburst. The co-worker accepts the apology.
  - Counseling
- ▶ An employee has multiple half day unexcused absences and has left work suddenly before their shift ended on short notice several times in a month. The employee has no known medical issues or medical documentation on file. The employee has been counseled on this pattern of behavior before.
  - Investigation and discipline (and EAP referral)



*mosedale.*  
'I've written you a disciplinary letter in French to soften the blow.'

# Resources

- ▶ Supervisors Guide to Counseling (on HR website)
- ▶ For assistance with planning for counseling meetings, writing counseling memos, or deciding if coaching, counseling, or discipline is appropriate, please contact Lynn Berger or Ben Towne