

Managing Employee Conduct and Performance Course

Learn practical strategies to address employee performance and conduct issues effectively in the workplace.

Group classes in Live Online and onsite training is available for this course. For more information, email onsite@graduateschool.edu or visit: <https://www.graduateschool.edu/courses/managing-employee-conduct-and-performance>



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Course Outline

Module 1: Dealing with Problem Employees — A Strategic Overview

- Differentiate performance (“can’t”) problems from conduct (“won’t”) problems and tailor strategy accordingly.
- Verify causes (training, supervision, organizational issues) before acting; focus attention through counseling and feedback.
- Apply preventive steps, monitoring, and prompt action on “small” issues to avoid habits.
- Use appropriate formal measures when conduct affects the efficiency of the service.

Module 2: Disciplinary Offenses

- Understand the four elements of a disciplinary action: cause, appropriateness of formal action, penalty, and proof.
- Apply the “efficiency of the service” (nexus) standard and identify actionable conduct under law, rule, or policy.
- Distinguish actionable, irritating (non-actionable), and protected conduct (e.g., grievances, whistleblowing, union activity).
- Analyze case studies to practice determining when conduct is actionable.

Module 3: Formal and Informal Disciplinary Actions

- Use informal measures (oral/written counseling) to set expectations and create a record when appropriate.
- Select formal actions (reprimand, suspension, demotion, removal) when the employee knew or should have known the rule.
- Apply the “inherent wrong” vs. “not inherently wrong but prohibited” framework to choose informal vs. formal action.
- Work through scenarios to decide between counseling and discipline.

Module 4: Determining the Penalty

- Treat penalty selection as a separate determination after establishing actionable conduct.
- Balance relevant Douglas factors (nature/seriousness, job level, past discipline, consistency, notice, rehabilitation, etc.).
- Document consideration of tables of penalties and consistency within the work unit.
- Assess alternatives and deterrent effect when choosing among penalties.

Module 5: Documentation and Proof

- Meet the preponderance of the evidence standard using physical, testimonial, and documentary evidence.

- Clarify roles: supervisors gather evidence; HR/agency reps prepare and present cases.
- Follow “golden hour” practices: preserve evidence, get statements, record details, and interview all witnesses.
- Apply Garrity/Kalkines and Weingarten principles correctly during interviews and investigations.

Module 6: The Most Common Problems

- Manage absenteeism: AWOL strategy, sick-leave restriction, documentation, and excessive absence removals.
- Handle insubordination and lesser failures to follow instructions with clear orders and appropriate charges.
- Address misuse of government travel cards, probationary period issues, and workplace violence (threats and acts).
- Navigating alcohol/drug-related issues: accommodation, on-the-job incidents, and safe charging.

Module 7: Preventive and Extreme Steps

- Understand human nature on the job—why good people do bad things—and use rules/monitoring to keep good people honest.
- Implement preventive steps (set rules, monitor, act early) to reduce misconduct.
- Develop strategies for the “employee from hell” and avoid common management mistakes.
- Practice with case studies on prevention and extreme scenarios; set clear workplace rules.

Module 8: Handling Performance Problems

- Choose the correct path: performance-based action vs. conduct action.
- Execute PIP flow: counseling → PIP → performance-based action; recognize why agencies lose cases.
- Use disciplinary actions when poor performance is deliberate or negligent.
- Apply rules for within-grade increases and denial based on performance.

Module 9: Selected Labor Relation Topics

- Operate effectively in union and non-union environments; understand conditions of employment.
- Apply formal discussion and Weingarten rights correctly during meetings and interviews.
- Recognize past practice, steward roles, and official time requirements.
- Prevent reprisal and manage unfair labor practice (ULP) risks.