

Chapter 10

Employee Discipline

Chapter Outline

Grievance and Complaint Systems

- Grievance Procedures in Union Companies
- Complaint Procedures in Nonunion Companies

Rule Enforcement and Discipline

- Compliance to Rules
- Punishment
- Progressive Discipline
- Wrongful Discharge

Solving Performance Problems

- Describing the Situation
- Diagnosing Problems: Ability versus Motivation
- Solving Ability Problems
- Communicating Consequences for Motivation Problems
- Dealing with Emergent Problems

Grievance and Complaint Systems

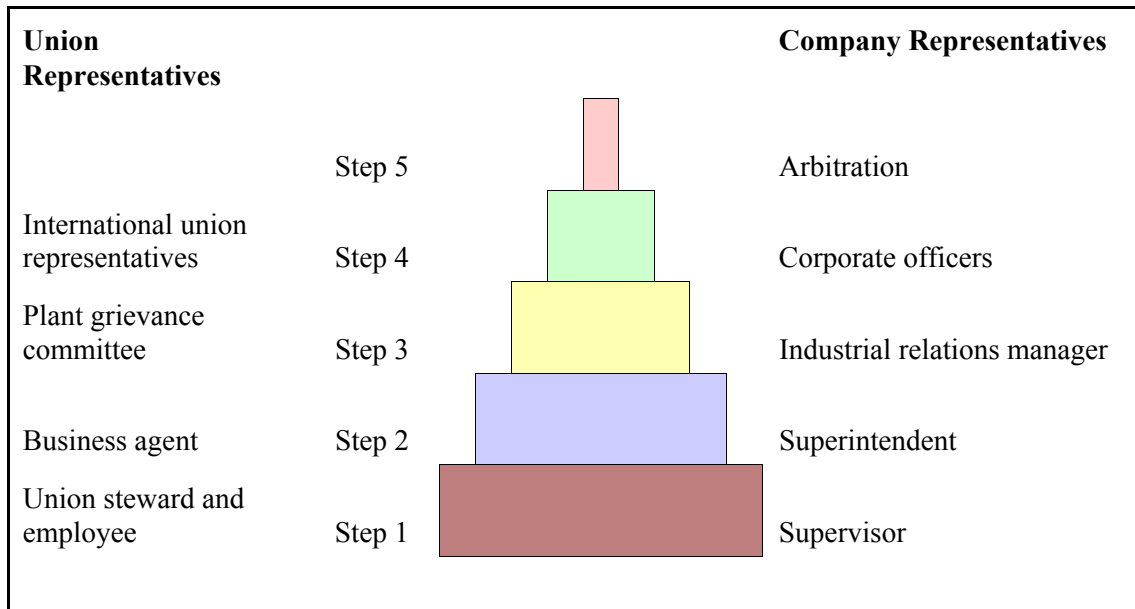
To maintain fair and effective employee relations, every organization needs both a grievance procedure and a discipline procedure. Grievance procedures, which are more frequently called complaint procedures in nonunion companies, provide a systematic process for hearing and evaluating employees' complaints. They tend to be more highly developed in union companies than in nonunion companies because they are guaranteed by the labor agreement. But they are also needed in nonunion companies. These procedures protect the rights of employees and eliminate the need for strikes or slowdowns every time a disagreement occurs. They also increase upward communication in organizations and make top management decisions more sensitive to employee feelings.

Discipline procedures provide a systematic process for handling problem employees. The goal of a good discipline system is to help employees perform better. If employees fail to respond, a procedure is needed for terminating them as a last resort. A good discipline system can make terminations "stick" so that fired employees will not be reinstated.

Grievance Procedures in Union Companies

Most union agreements grant employees the right to submit grievances and explain how their complaints will be resolved. The agreement assures employees that they can express their complaints freely without jeopardizing their jobs, and obtain a fair hearing through appeals to progressively higher levels of management. Most unions follow a procedure similar to the one illustrated in Exhibit 10.1.

Exhibit 10.1: Grievance Process
--



Step 1. The first step in most labor agreements calls for the complaint to be submitted to the supervisor, sometimes with the help of a union steward. Most grievances are settled at this step by a simple discussion.

Step 2. If the employee is not satisfied with the actions of the supervisor, the grievance can be appealed to a superintendent or division manager. At this point the grievance is almost always written. In smaller companies, this step is usually bypassed.

Step 3. If the union is not satisfied with the decision, the grievance can be appealed to the plant manager or director of industrial relations. Grievances that are not settled at this step may go directly to arbitration.

Step 4. Large corporations that have multi-employer agreements may have a fourth step if the issue is one that has general interest to the union and corporation.

Step 5. The final step in the grievance process is binding arbitration by an outside third party acceptable to both the management and the union. Both parties agree beforehand to abide by the arbitrator's decision.

Most grievance procedures specify time limits for each stage. Failure to make a timely response may result in forfeiture of the grievance by the union or in the company's granting the grievance to the union. To resolve a grievance, both management and union representatives must be willing to discuss the issue rationally and objectively. A grievance should not be treated as a form of competition in which each side keeps track of its win-loss record. Instead, each side should seek to resolve conflict and remove inequities.

Most grievances are resolved at the first step of the process by competent supervisors who are willing to listen and act fairly. To reduce the number of grievances that are appealed, supervisors are encouraged to follow these recommendations:

- C Treat all complaints seriously.

- C Investigate and handle each case as though it may eventually result in arbitration.
- C Talk with an employee as soon as possible about his or her grievance and give the employee a full hearing.
- C Correct the problem if the company is wrong.
- C Examine the labor agreement carefully, and obtain clarification from the human resource office if necessary.
- C Collect evidence and determine whether there were any witnesses.
- C Remain calm.
- C Carefully examine all the evidence before making a decision.
- C Avoid lengthy delays. When all the information is in, make a decision and communicate it.

Sometimes a supervisor is not in a good position to resolve a grievance because it concerns a company policy. Such a dispute may have to be appealed to the second, third, or even fourth step of the grievance procedure before the appropriate people who can change or interpret the policy become involved.

Issues that cannot be resolved satisfactorily through mediation or discussion are submitted to binding arbitration by an outside third party. Anyone acceptable to both sides is eligible to serve as an arbitrator, such as a local minister or a member of the local school board; however, in most instances a professional arbitrator is selected from a list maintained by the Federal Mediation and Conciliation Service.

After an arbitrator has been chosen, the arbitrator is presented with a *submission agreement*, which is a statement that formally outlines the issues for arbitration and grants final authority to the arbitrator to settle the issue. The arbitration hearing may be as formal as a civil court hearing and involve written testimony, signed statements and affidavits, the swearing in of witnesses, cross examination, and a recorded transcript of the proceedings; or the hearing might be very informal, with just an opening statement by each side and then questioning by the arbitrator. To save time, most testimony of witnesses is obtained in advance and presented to the arbitrator. Normally, the hearing does not last more than one day.

Most arbitrators stipulate that the burden of proof is on the party that initiates the complaint. If the union alleges violation of the agreement, it must provide evidence of what happened and describe how the agreement was violated. If an employee was disciplined or discharged, the company must provide evidence showing that the action was legitimate.

After all of the evidence has been presented, the hearings are adjourned. The arbitrator reviews the evidence, examines the labor agreement, and usually looks at previous arbitration awards in similar cases before reaching a decision. Arbitrators are not bound by the decisions of other arbitrators; but like federal judges, most arbitrators have tried to render decisions that are consistent with a body of “case law” that has emerged over the years. Within thirty days, the arbitration award is usually announced to both parties along with a written review of the case.

The enormous time and expense associated with litigating disagreements have prompted employers to pursue other methods for resolving disagreements. These methods, known generally as alternative dispute resolution, include negotiation, mediation, binding arbitration, and even rent-a-judge services. When two parties are unable to negotiate an acceptable solution, the next step may be to ask for the services of a mediator. The mediator examines both sides of the dispute and tries to help both parties find an acceptable compromise. If mediation fails, the parties can agree to submit the issue to binding arbitration and promise to live by the arbitrator’s decision.

Complaint Procedures in Nonunion Companies

The complaint procedures in nonunion companies are more informal than in union companies. Employees are encouraged to express their complaints and most executives believe their organizations have adequate procedures for solving employee problems. Nevertheless, many employees have two fears: first, that they will be fired if they complain, and second, that their complaint will not receive adequate attention. The procedures used in nonunion companies to overcome these concerns include an ombudsman, a grievance committee, a grievance appeal procedure, an open-door policy, and fact finding.

Ombudsman. The term *ombudsman* originally referred to a politically neutral and independent person who represented ordinary citizens in their disputes with government officials. The concept first originated in Sweden and Finland in 1809. In recent years, numerous organizations have appointed one of their employees to be an ombudsman. Such an individual is charged with investigating and settling employee complaints. The ombudsman reports to the president, who is the only person with the authority to reverse the ombudsman's decision.

Grievance Committee. Some nonunion organizations have established a grievance procedure that allows individuals to submit their grievances to a grievance committee. The members of the committee may be appointed by top management or elected by employees. These committees hear the evidence and issue a judgment. In most companies, the grievance committee makes a recommendation to the president rather than making a binding decision on its own.

Grievance Appeal Procedure. Some companies allow employees to submit grievances to successively higher levels in the organization, as explained in Exhibit 10.2. In some cases, the aggrieved employee is represented by an attorney, a peer, or a member of the personnel office. This procedure is similar to the appeal process in a union agreement, with two exceptions. First, it is usually an informal appeal system that can be stopped at any time at management's discretion without a guarantee that the appeal will reach the top officers. Second, ultimate appeal is usually made to top management and does not go to arbitration.

Open-Door Policy. The most popular procedure for responding to employee complaints is an open-door policy. All employees, regardless of their positions, are encouraged to discuss their complaints with a top executive without being forced to go through a chain of command. After the executive investigates the complaint the aggrieved employee is informed of the outcome. Although open-door policies provide an avenue for employees to express their complaints, they do not always function effectively because of the perceived social distance between executives and workers. The open-door policy needs to exist throughout the organization so that complaints can also be taken to lower-level managers. Many complaints concern day-to-day issues that are far removed from the top officers.

Fact Finding. Employee complaints can be investigated by an impartial fact finder. The investigation is normally conducted by a human resource executive or by an assistant to the president, and then a report is submitted to top management. Fact finders are usually authorized to examine problems without conducting formal hearings. Informal investigations give fact finders access to information that a complaining party might be reluctant to share in a formal hearing, such as instances of sexual harassment. Fact finders are usually expected to prepare a recommendation such as discipline, transfer, compensation for the victim, or training. The advantages of fact finding are that problems can be addressed quickly and privately.

Exhibit 10.2: Complaint Procedure for a Retail Store

Problem-Solving Procedure

Objective: The purpose of this problem-solving procedure is to provide a formal process for solving problems and protecting the rights of employees.

Step 1: Your supervisor is responsible for hearing and resolving work-related problems. You should fully discuss the problem with your immediate supervisor. However, in unusual cases or because of personal conditions between you and your supervisor, you may want to discuss the problem directly with the Employee Relations Office.

Step 2: If your supervisor does not resolve the problem to your satisfaction, you can appeal it to your functional manager. This manager will explore all the facts of the case and render a decision.

Step 3: If you are still dissatisfied with the resolution of your problem, you can discuss it with the plant manager. The employee relations manager will make the appointment for you. After the discussion, the plant manager's decision will be considered final.

The following time limits have been established:

Step 1 - five working days

Step 2 - two to five working days

Step 3 - three to five working days

Rule Enforcement and Discipline

Rule enforcement and the threat of punishment are an important part of motivation theory. Although most motivation theories focus on rewards to elicit desired behaviors, the effects of punishment and rule enforcement for eliminating undesirable behavior should not be overlooked. Rule enforcement and punishment are used far more frequently than rewards in influencing everyday behavior.¹

Compliance to Rules

Much of our behavior in organizations can be explained by examining the organization's rules. We obey organizational rules partly because of the threat of punishment, but mostly because we accept the rules as legitimate expectations. Most of us believe we have an obligation to follow the rules. If the company wanted to change behavior, it would simply need to change the rules.

Legal compliance is effective in creating acceptable levels of performance, especially when the tasks are routine and are paced by some type of mechanical control, such as an assembly line, and all that is needed is steady, perfunctory performance. However, legal compliance and rule enforcement are notoriously poor for motivating performance beyond the minimum standard. An emphasis on rule compliance tends in practice to mean that the minimum standard eventually becomes the maximum standard. A minimum standard of sixty units per hour, for example, soon becomes interpreted by employees to be the maximum required, and the speed of work is gauged to achieve that standard but never higher.

Another problem with relying excessively on rule compliance is that it is largely ineffective at motivating spontaneous and innovative behaviors that go beyond the call of duty. Since these acts are not part of the formal job description, they are not included in the rules. Organizations cannot stimulate innovation by decreeing it. In general, when there is greater emphasis on rule compliance, there is less motivation for individuals to do more than is specified by their job descriptions.

Punishment

Punishment has the effect of reducing the probability of a response. Some managers are opposed to the use of punishment for moral reasons, although it can be used very effectively to improve performance, and some forms of punishment are unavoidable.

Types of punishment. Punishment occurs when an aversive stimulus follows a response. An aversive stimulus refers to something unpleasant, and whose removal is reinforcing. Physical pain, criticism, and being fired are examples of aversive stimuli; we try to avoid doing things that elicit these consequences. Punishment plays a major role in shaping the behavior of people in organizations. Some managers argue that there is no justification for the use of punishment in organizational settings. Others believe that there are times when punishment is the most effective way to change behavior. Three different kinds of punishment occur in organizations: natural consequences, logical consequences, and contrived consequences.²

Natural consequences occur when behavior violates the laws of nature or society, such as being injured because you followed unsafe work procedures, or being excluded from a lunchroom clique because you have body odor. Virtually every form of misbehavior creates some form of undesirable natural consequence, although some consequences are difficult to recognize immediately.

Logical consequences refer to punishment that contains a logical relationship to the violated rule. An example of a logical consequence is requiring employees to wait for an assigned secretary to make copies for them because they misuse the copy machine or fail to record the number of copies when they use it themselves.

Contrived consequences refer to punishment for wrongdoing where the punishment is unrelated to the misbehavior. Fining a football player \$100 for missing practice and revoking an employee's use of a company privilege for a late report are examples of contrived punishments.

Because no one has to initiate action to create natural consequences, nor can anyone really prevent them from occurring, the following discussion focuses largely on logical and contrived punishment. In organizational leadership, as in parenting, the use of logical consequences is probably much more effective in changing behavior than the use of contrived consequences.

A highly recommended procedure for administering punishment is called the "hot stove rule." A hot stove with its radiating heat provides a warning that it should not be touched. Those who ignore the warning and touch it, like employees who violate a rule, are burned. The punishment, in this case the burn, is immediate and directly associated with violating the rule. Like the hot stove, which immediately burns anyone who touches it, an established rule for employees to follow should be consistently enforced and applied to all employees. The pain of a hot stove is administered in a rigid and impersonal way to everyone who touches it.³

Punishment does not need to be experienced personally in order to change behavior. Just as we learn vicariously from observing others what will be rewarding, we also learn through vicarious punishment what we should avoid. We are less likely to imitate those behaviors for which we see others punished. Studies of punishment have shown that individuals who have observed others being punished change their behavior almost as much as those who were actually punished.⁴

Conditions for the effective use of punishment. The most severe criticisms against the use of punishment are that it is effective only when the punishing agent is present, it creates a negative attitude toward the punishing agent, it only tells people what they did wrong and not what they should do right, and it creates a negative emotional feeling. In spite of these criticisms, however, there are appropriate times when punishment should be used, and there is considerable evidence that punishment can be an effective tool if the conditions are right. Seven conditions have been proposed for the effective use of punishment.⁵

1. Punishment is more effective when it occurs immediately after the mistake. The longer the delay, the more likely that it will be perceived as arbitrary, unfair, and unrelated to the undesired behavior.
2. Punishment should be unpleasant, but not severe. If it is too mild, it will be ignored; but if it is too severe, those who are punished will think too much about the pain and not enough about how they must change their behavior to avoid it in the future.
3. Punishment should focus on a specific act, not on a person or on general behavior patterns. Punishment should not be a means of revenge or a way of venting frustrations. Instead, it should be tied to a specific act that can be described.
4. Punishment should be consistent across persons and across time. Whether punishment is administered should not depend upon who misbehaved, how they get along with the manager, or whether things are running smoothly.
5. Punishment should be administered in a way that informs people what they did wrong and also how they must change. Simply knowing that what they did was wrong without knowing how to change can be very frustrating.
6. Punishment is most effective when it occurs in the context of a loving and nurturing relationship. Since punishment naturally creates a negative feeling toward the punishing agent, it is essential that on other occasions a warm and supportive relationship be developed to withstand the strain of punishment. When the relationship between a person and the punishing agent is already strained or distant, the punishment tends to be perceived as a personal attack that creates a feeling of hatred rather than an indication of a wrongdoing that needs to be changed.
7. Punishment should not be followed by undeserved rewards. Although greater efforts should be made after punishment to reestablish an interpersonal relationship, these efforts should not include showering the person with undeserved rewards, because it encourages them to misbehave again.

There are many reasons why punishment cannot be administered as quickly or as intensely in organizations as reinforcement theory would recommend. Many undesirable behaviors such as leaving the work station, sleeping on the job, fighting, stealing, and damaging equipment cannot be punished as

immediately or as severely as the hot-stove rule recommends. Furthermore, most managers prefer to delay punishment until an appropriate time in order to avoid publicly humiliating an employee. Since punishment is often delayed, it is important for the person administering punishment to explain the importance of the rules and provide what is called *cognitive structuring*. Evidence has shown that clear, reasonable explanations for punishment significantly increase the effectiveness of punishment and produce desirable behavior.⁶ Reasonable explanations help individuals understand why their behavior was wrong and how their behavior needs to change in the future.

Progressive Discipline

Discipline refers to the use of some form of punishment or sanction when employees deviate from the rules. The overall objective of a disciplinary action is to remedy a problem and help employees behave acceptably in their work. Although some organizations have lists of rules and unacceptable behavior, the disciplinary processes in most organizations are based upon two concepts of administrative justice: due process and just cause.

Due process means that disciplinary actions may be taken only after an accepted procedure that protects employees from arbitrary, capricious, and unfair treatment. Due process normally involves providing individuals with written statements of the charges against them, as well as the reasons for the penalties. The charged employees must then have full opportunity to defend themselves and use a formal grievance procedure if one exists. After all relevant information has been fairly evaluated, a decision should be rendered by an impartial person. The employer is normally expected to bear the burden of proof; that is, the employer must show both the evidence of wrongdoing and the need for discipline.

Just cause means that disciplinary actions will be taken only for good and sufficient reasons. Discipline should not be administered for trivial matters or for obscure and irrelevant rules. However, every employee is expected to know that certain behaviors are never tolerated, such as insubordination, theft, alcoholism, drug use, sexual harassment, and violence.

The disciplinary procedures in most organizations follow a process called *progressive discipline*, in which the disciplinary actions become increasingly severe. Most progressive discipline procedures include these five steps:

1. *Verbal warning*: a simple comment, usually by a supervisor, warning employees that certain acts are not acceptable.
2. *Verbal reprimand*: a verbal discussion, usually by a supervisor, informing employees that the situation is not acceptable and that improvement is required. This reprimand is more than a casual comment, and both the misbehavior and the desired change must be carefully described.
3. *Written reprimand*: a written record summarizing the history of the problem, and identifying the kinds of changes required and the consequences of failing to make them. This step is more formal than the first two steps. The company may need to use this written record to defend itself in court on a case of wrongful discharge.
4. *Suspension*: a mandatory absence dictated by a supervisor. Employees who fail to improve may be suspended for a few days to think about whether they are willing to change their behavior to keep their job.

5. *Discharge*: the last resort. Those who have failed to respond to previous disciplinary actions and persist in wrongdoing are terminated.

Demotions and transfers are sometimes used as disciplinary actions although they are not highly recommended. Personal problems such as drug abuse, embezzlement, and habitual tardiness are problems that demotion and transfer are not likely to correct. Consequently, demotions and transfers are usually recommended only for problems of unsatisfactory performance when employees have been promoted to a job that is too demanding for them to handle. Even then, demotion may not be a viable form of discipline because of the stigma attached to it.

Wrongful Discharge

Employers are generally free to fire employees for good reasons, bad reasons, or even immoral reasons, without being guilty of breaking the law. This philosophy, called the *employment-at-will doctrine*, allows both the employer and the employee the mutual right to terminate the employment relationship at any time, for any reason, and with or without advance notice to the other.

Although there are no federal laws that specifically address employment-at-will, an employer's freedom to terminate employees has gradually eroded since about 1980 because a variety of tort claims have identified various public policy violations leading to *wrongful discharge*. Here are four recognized limitations:

1. Many federal statutes prohibit employers from firing employees in retaliation for helping to enforce the statute. For example, the National Labor Relations Act prohibits firing employees for organizing a union, striking, or testifying before the NLRB. Likewise, many state statutes protect employees from retaliation for filing claims or participating in proceedings under workers' compensation laws, disability laws, and unemployment insurance laws.
2. Employers may be prevented from firing employees if they have an *implied contract* for employment. An example of an implied contract is a salary memo promising to pay employees an annual salary spread over the next twelve months.⁷ Some courts have declared that terminating employees before the end of the year is a violation of this implied contract. Another example of an implied contract is a statement in an employee handbook that employees will not be terminated except for just cause.⁸
3. An employer may be guilty of improper discharge and liable for punitive damages if his or her breach of an employment agreement is fraudulent, oppressive, or malicious. An example of a fraudulent promise was an offer to give an employee a favorable recommendation if she agreed to quit. The employer had no intention of giving a recommendation; he only wanted to avoid unemployment compensation payments.⁹
4. Employers have been sued by employees and subjected to tort liability because they dismissed employees for reasons that violated public policy. These improper dismissals have been labeled "wrongful discharges," "abusive discharges," or "retaliatory discharges." Some examples of public policy violations include: (a) firing an employee for choosing to serve on a jury when she could have been excused because of her job¹⁰ and (b) firing an agent for refusing to give false testimony before a legislative committee.¹¹

Solving Performance Problems

You need to know how to solve performance problems without letting small problems grow into big problems or allowing big problems to destroy a working relationship. The following model presents an effective procedure for handling disciplinary problems. You would do well to memorize this model and practice using these skills.

1. Describe the situation.
2. Diagnose whether it is an ability or motivation problem.
3. Use joint problem solving for ability problems.
4. Communicate consequences for motivation problems.
5. Handle emergent problems.
6. Decide who will do what by when and then follow up.¹²

Describing the Situation

The first skill in solving disciplinary problems is learning how to describe the situation properly. When you observe something wrong, your first response should be to describe the situation before taking action. The correct procedure for describing the situation is to

- C Be direct.
- C Be specific.
- C Be non-punishing.

The reason you should be direct, specific, and non punishing can be illustrated by examining some of the incorrect methods supervisors typically use. For example, many supervisors respond to problems by pretending they are a grand inquisitor with an endless string of questions. Most of the questions don't make much sense, and they frequently don't deserve an answer. When employees are late, for example, they are often asked "Can't you tell time?" or "Do you know what time it is?" They have been telling time successfully for several years; why should they forget now? Getting angry and shouting at a co-worker is also not a good way to respond to problems.

The opposite response is to ignore problems. Many supervisors confuse ignoring problems with being patient. Supervisors certainly can't expect to discipline employees for every trivial problem, but many supervisors ignore serious problems until the problems get too big or they can't stand it any longer. Then they realize that rather than ignoring the problem, they have been stockpiling their anger. At the top of their voice they finally begin to yell, "I've had it with you! I'm not going to stand this any longer!"

Another approach used by some supervisors who attempt to be a bit more sophisticated is a smoothing approach, sometimes called sandwiching. Here supervisors begin and end by saying something sweet, such as, "I know you want to be a good performer," or "Usually you're such a good worker," but in the middle they torpedo the employee with criticism and complaints. Supervisors think this sandwiching technique resolves the problem and leaves the employee's self-esteem untouched. Most employees feel, however, that they have been subjected to a patronizing and insincere attack.

Be direct. In learning how to solve problems, you need to learn to be direct. When a problem exists, you need to discuss it openly and intentionally without beating around the bush. For example, suppose you are concerned about an employee completing a safety report. You could attempt to diagnose the problem using an indirect approach, which some supervisors confuse with being tactful. "Did you get all the

information you needed for that report?” “Are you pressed for time?” If you ask enough questions you may ultimately get the information you are after, but employees will probably feel as though they are being set up or manipulated. If you want to know whether an employee has completed the report, you ought to simply ask if it is finished. “I need to talk with you about a missing safety report.”

Learning how to be direct helps you to be less punishing. It is easier to discuss problems when you are direct. By discussing problems directly, there are no hidden agenda and no hidden motives. The atmosphere of the discussion is more open and honest. Problems can be resolved faster because both parties know where they stand and what the other person’s feelings and motives are. A very simple phrase that helps you learn to be direct is, “I’d like to talk with you about the problem of . . .” This phrase helps you convey to the other person, simply and directly, the idea that there is a problem that needs to be solved.

Be specific. When describing problems, you need to be specific in your description. Being specific teaches others what they did wrong and helps them avoid unnecessary arguments. The two elements of being specific include (1) stating a standard of acceptable performance and (2) describing the actual behavior. Both of these elements can be seen in the following statement: “Ken, you were supposed to have the report submitted by noon, and you didn’t get it submitted until 4:00 p.m.” The advantages of being specific can be clearly illustrated by comparing specific and nonspecific descriptions. “Ken, your report was late yesterday. Why are you always late?” “Ken, why can’t you be more responsible? You’re always so slow.” Most of the contentious arguments during disciplinary discussions result from failing to describe problems specifically.

As you describe the problem, you should provide sufficient detail so that the nature of the problem is accurately presented, but not so many details that the description becomes patronizing or punishing.

Be non-punishing. When you describe the situation, you should avoid being punishing in the description. If punishment or discipline is needed, it should occur later, after the problem has been adequately described and diagnosed. Some of the typical forms of punishment include making emotional outbursts or displays of anger, shouting, using derogatory names or sarcasm, speaking in a nasty tone of voice, and using condemning facial expressions or other nonverbal behaviors. There are times when it may be appropriate to show emotion, but not until after the problem has been diagnosed.

Diagnosing Problems: Ability Versus Motivation

After the situation has been described in a way that is direct, specific, and non-punishing, you need to diagnose the nature of the problem. The purpose of the diagnosis is to determine whether the problem is caused by a lack of ability or a lack of motivation. You need to respond differently to problems that are caused by a lack of ability than to those caused by a lack of motivation. Therefore, after the problem has been described, you should ask for a response from the other person, “What happened?” “What went wrong?” “Am I right?” “Is there a reason for this that I don’t understand?”

Knowing whether the problem was caused by a lack of ability or a lack of motivation is sometimes a very difficult decision. A motivation problem is caused by a lack of effort on the part of the employee – the person could have done the job with enough effort, but didn’t. An ability problem is caused by something beyond the person’s control– the person was inadequately trained or lacked the proper materials and equipment.

Most problems are a combination of inadequate motivation and inadequate ability. Supervisors generally think the problem was a lack of motivation, while employees are more inclined to say they were willing, but the difficulty or inconvenience of the job prevented them from doing it. Some supervisors have the attitude that hard things take a little while to accomplish; the impossible takes only a little longer.

Some situations appear to be such obvious motivation problems that it seems absurd to ask for an explanation of the problem after describing it. Swearing and insubordination are good illustrations of such problems. When an employee uses bad language or refuses a work assignment, it seems silly for the supervisor to ask whether this behavior is a motivation or an ability problem. Nevertheless, even when the behavior appears to stem from an obvious lack of motivation, the description of the problem could still conclude with a simple question asking the employee to acknowledge the problem. “Is there any reason for this behavior that I don’t understand?” or “Is there any good reason why you should continue to talk this way in the future?” Asking for a simple acknowledgment forces the employee to objectively assess his or her behavior and think about its appropriateness. This type of objective self-assessment helps to make employees more responsible for analyzing their behavior and correcting it where it is wrong. Furthermore, supervisors are sometimes surprised to discover that what they assumed was clearly a motivation problem was not as simple as they thought.

Solving Ability Problems

When the problem is an ability problem, the supervisor needs to engage in joint problem solving with the employee. Even when the problem is largely a motivation problem, it may still be useful for supervisors to engage in joint problem-solving.

During a joint problem-solving session, both the supervisor and the employee should participate in discussing ways that the job can be accomplished. People who do not know how to perform a job successfully will usually ask for training. If they do not have adequate resources, they will probably ask for them. At the conclusion of the joint problem-solving session, both of you should agree on how to solve the problem and who does what by when. After you have determined this, set a follow-up time when the task should be completed and then follow up.

Communicating Consequences for Motivation Problems

Two kinds of problems are classified as motivation problems (1) the person was capable of doing a task and yet failed to accomplish it, and (2) the person knowingly did something wrong. In both situations the person could have behaved properly but for some reason chose not to do so.

Serious motivation problems occur when the problem has been appropriately described and the person essentially responds with an attitude of “So what?” or “I don’t want to.” Now comes the real task of motivating behavior, and there is a correct procedure for doing so. If a group of supervisors participated in a brainstorming session they could probably identify hundreds of techniques for motivating stubborn employees. A common element in all of these techniques is that they involve some form of consequence. The consequences might be positive in the form of financial incentives, special privileges, or treats; or negative in the form of verbal harangues, denial of privileges, or removal of rewards. All of these consequences have the potential to influence behavior, but they are not equally effective as long-term solutions to solving motivation problems.

In handling motivation problems there is a proper procedure for communicating consequences for misbehavior. Following this order teaches positive values and helps to maintain a pleasant relationship

between you and the other person. Communicating consequences in this order also helps others learn to be intrinsically motivated to behave properly and reduces the need to monitor their performance.

Motivation problems are solved by communicating consequences in this order:

1. Natural consequences
 - a. to the task
 - b. to others
 - c. to you
2. Imposed consequences

Natural consequences refer to outcomes that occur naturally because of the demands of the situation. Imposed consequences, on the other hand, refer to consequences that bear no necessary relationship to the behavior of the person; they are created by people.

In communicating consequences, you should communicate only as many consequences as are needed to obtain compliance. Natural consequences should be communicated at all three levels before imposed consequences are communicated. This order is just the reverse of what most people are inclined to do. In fact, many people are quick to communicate imposed consequences before they have even described the problem or diagnosed the possibility that it could have been caused by an ability block. Before imposing consequences, however, you should carefully and systematically go through all three levels of the natural consequences. If the other person willingly complies after the problem has been properly described, you will not need to describe any consequences. The objective is to solve the problem and get the job done rather than harass the other person or damage feelings.

Second- and third-level natural consequences first to others and then to you should be communicated only if the person fails to respond to the natural consequences to the task. To illustrate, suppose you told the other person, "You are expected to come to work at 8:00 and you have not been arriving until 8:30. Is there any good reason for this?" Hopefully this reminder will help the other person resolve to be on time. But suppose he says "Others come late and it is no big deal." The first consequence you should communicate is the consequence to the task: "If you are late, there is no one to answer the phone." This explanation will probably sound reasonable and the employee will willingly comply. But suppose instead that he or she responds by saying, "So what difference does it make if the phone gets answered? They will call back." Next, you should communicate the consequences to others: "If you are not there to answer the phone, other co-workers have to interrupt their work to answer the phone for you." If the response is the same "Who cares?" attitude, you should communicate the third level of consequences: "It is my responsibility to have someone there to staff the office and answer the phone, and when you are late it reflects on my performance."

After the natural consequences have proved to be ineffective, then begin to use your list of imposed consequences. "If you continue to come late, I will have to issue a written reprimand." When using imposed consequences, you should remember two basic principles: you ought to *be consistent* in administering the imposed consequences, and the consequences should *be fair*.

Although most of us are inclined to use imposed consequences at the first sign of disobedience, we should appreciate the natural consequences associated with using natural consequences. In other words, using natural consequences as a discipline technique produces desirable outcomes. When you use natural consequences, the other person learns why the correct behavior is correct. Therefore, natural consequences are a useful mechanism for teaching. As a result of learning that natural consequences are associated with their behavior, people are able to acquire intrinsic rewards and personal values that

improve their work habits. Since natural consequences are not meant to be threatening a pleasant environment can be created and maintained between you and the other person. People are less likely to become resistive when they realize that the consequences occur naturally and are not intended to injure or restrict them. An important advantage of using natural consequences is that the natural outcome occurs without anyone having to be there to administer it.

As you communicate consequences to solve motivation problems, you need to remember to stop communicating consequences as soon as the person agrees to comply. If you continue to communicate consequences after compliance is achieved, the other person will interpret this behavior as harassment and punishment. After the other person agrees to comply, the final three steps in the problem-solving process are to decide who will do what by when, set a follow-up time, and then follow up.

The problem-solving process as it has been described so far has focused primarily on obtaining compliance. The most difficult problem, however, is not getting compliance but getting results. How should you respond if the other person agrees to do something and then fails to follow through?

If the other person fails to follow through as agreed, this failure represents a new problem that should be handled with the same problem-solving procedure used with the first problem. The problem now, however, is the person's failure to follow through. "I need to talk to you about coming to work on time again. Yesterday you said you would be here on time, but you weren't. I thought we had an agreement."

As with the first problem-solving discussion, your goal is once again to obtain compliance from the other person to correct his or her behavior. This time, however, there are simultaneous problems that have to be solved: the original behavioral problem, and the failure to follow through as promised. Once again you should communicate consequences — natural consequences first and then imposed — until the other person agrees to comply. Again, the purpose of the discussion is to obtain compliance rather than harass, criticize, or condemn them.

A difficult question is what you should do if the person continually agrees to perform the task but never does. This situation normally indicates that you have not adequately clarified who should do what by when or arranged for the person to report back. Some people need to have very specific goals and timetables to focus their attention and frequent feedback and reinforcement to maintain their motivation. This is especially true for young workers who are just entering the labor force.

Another question is how many times should you let the person fail before taking additional disciplinary action. This question challenges you to exercise your greatest judgment. Although the procedure outlined here is excellent for gaining cooperation and maintaining a pleasant interpersonal relationship, there is no guarantee that it will work in every case. At some point employees who continually come late probably need to be terminated.

Dealing with Emergent Problems

Many times as you are trying to describe the problem and diagnose whether it is an ability or motivation problem, the other person will introduce a totally different issue. While you are trying to talk about coming to work on time, the other person begins to complain about being assigned an unpleasant task. These types of problems are referred to as *emergent problems*. They occur when the other person feels he or she has a problem that is more important than the problem you are discussing. Occasionally the other person may try to intentionally divert you by raising emergent problems. However, most people are sincere when they raise emergent problems, and in essence they are saying "If you're going to clear the

air and talk about something that's bothering you, then I want to talk about something that's bothering me." Although you may feel frustrated by this diversion, you should remember that their problems are as important to them as your problems are to you.

When an emergent problem arises you should first assess whether the other person has a genuine interest in it, to avoid being sidetracked by trivial issues. If the emergent problem is indeed a serious problem, you need to detour and resolve it before solving your own problem. Before discussing the emergent problem it may be useful to acknowledge that you are being sidetracked and indicate that you will return to the original problem once the new problem has been discussed.

Discussion Questions

- 1 What are the advantages and disadvantages of the different complaint systems? Which one would you recommend for a small family business? Identify a problem you have experienced in an organization. What kind of complaint procedure would have helped you?
- 2 Identify the natural consequences, logical consequences, and contrived consequences associated with these acts: missing class, coming to class late, submitting a term paper late, and missing an exam.
- 3 Explain how you would use the problem solving procedure with your supervisor to resolve a problem caused by your supervisor's failure to share vital information (or another problem of your choice).

Notes

1. Dennis W. Organ and Thomas Bateman, *Organizational Behavior: An Applied Psychological Approach*, 3rd ed., (Plano, TX: Business Publications Inc., 1986), p. 320.
2. Rudolf Dreikurs and Loren Grey, *Logical Consequences: A New Approach to Discipline*, (New York: Hawthorn Books, Incorporated, 1968).
3. This principle is attributed to Douglas McGregor. See George Strauss and Leonard Sayles, *Personnel: The Human Problems of Management*, (Englewood Cliffs, New Jersey: Prentice Hall, 1967); Walter Kiechel, III, "How to Discipline in the Modern Age," *Fortune*, vol. 121, (May 7, 1990), pp. 179-180.
4. R. Di Giuseppe, "Vicarious punishment: An investigation of timing," *Psychological Reports*, vol. 36, (1975), pp. 819-824; Charles A. O'Reilly, III, and Sheila M. Puffer, "The Impact of Rewards and Punishments in a Social Context: A Laboratory and Field Experiment," *Journal of Occupational Psychology*, vol. 62, (March 1989), pp. 41-53.
5. Dennis W. Organ and Thomas Bateman, *Organizational Behavior: An applied psychological approach*, op. cit., Chapter 11; Robert A. Baron, "Negative Effects of Destructive Criticism: Impact on Conflict, Self-efficacy, and Task Performance," *Journal of Applied Psychology*, vol. 73, (May 1988), pp. 199-207; Appa Rao Korukonda and James G. Hunt, "Pat on the Back vs. Kick in the Pants: An Application of Cognitive Inference to the Study of Leader Reward and Punishment Behaviors," *Group and Organizations Studies*, vol. 14, (September 1989), pp. 299-324.
6. Martin L. Hoffman, "Moral internalization, Parental Power, and the Nature of Parent-Child Interaction," *Developmental Psychology*, vol. 11, (no. 2, 1975), pp. 228-239.
7. *Greuer v. Valve & Primer Corp.*, 361 N.E. 2d 863 (Ill. App.2d 1977).

8. *Toussaint v. Blue Cross & Blue Shield of Michigan*, 292 NW 2d 880, 884 (Mich. 1980); Gerard Panaro, "Don't Let Your Personnel Manual Become A Contract," *Association Management* 40 (August 1988): 81-84; Gerard P. Panaro, "The Legal Tentacles of Wrongful Discharge Suits," *Security Management* 31 (July 1987): 98-106.
9. *Gates v. Life of Montana Insurance Co.*, 668 P. 2d 213 (Mont. 1983).
10. *Nees v. Hocks*, 536 P. 2d 512, 516 (Ore. 1975).
11. *Petermann v. International Brotherhood of Teamsters*, 344 P. 2d 25 (Cal. Appl. 1959); Steven H. Winterbauer, "Wrongful Discharge in Violation of Public Policy: A Brief Overview of an Evolving Claim," *Industrial Relations Law Journal* 13 (1991/1992): 386-415.
12. Kerry Patterson, "Performance Skills For Managers: Problem Solving." (Interact Performance Systems, 1981).