

*A Manager's Guide to
Addressing Performance,
Conduct, and Discipline
Challenges*

— *Excerpted from* —

101 TOUGH CONVERSATIONS TO HAVE WITH **EMPLOYEES**

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Author of *2600 Phrases for
Effective Performance Reviews*
and *101 Sample Write-Ups for
Documenting Employee
Performance Problems*

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Performance, Conduct, and
Discipline Challenges

Paul Falcone

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Preface

Having tough discussions with your employees will always be one of the most daunting tasks that you'll face as a manager. As a general rule, the path of least resistance is avoidance, and how many of us haven't been guilty from time to time of allowing problems to go on, hoping they'd simply fix themselves? If you've purchased this book, you're probably someone who has faced this challenge on a number of occasions throughout your career, but you instinctively know that if you simply had the right verbiage and a strategic game plan in place, you'd be able to address minor problems head-on before they escalated into something far more serious.

Take comfort, dear reader, in knowing that you're not alone. And know that this book is designed and structured as a handy guide—and guiding hand—to walk you through some of the most common as well as the most serious employee problems that you could ever come across in your career. My goal in writing *101 Tough Conversations to Have with Employees* is to be there by your side and walk you through these issues carefully and thoughtfully, all the while protecting you as well as your company from liability or unforeseen consequences.

A bit earlier in my career, I wrote a book called *101 Sample Write-Ups for Documenting Employee Performance Problems: A Guide to Progressive Discipline and Termination*. The purpose of that book was to provide managers and corporate leaders with sample documentation to walk them through some of the most challenging minefields that exist in corporate America today: written warnings, workplace due process, and terminations for cause. This book is specifically meant to complement the *101 Sample Write-Ups* book, only from the verbal—rather than written—

perspective. It will similarly focus not just on *what* to do but on *how* to do it, keeping in mind that people are sometimes fickle and difficult to predict.

The paradigm in *101 Sample Write-Ups* was meant to treat people with dignity and respect at all times, even through the discipline and termination processes. The paradigm developed focused on two key areas: (1) documenting your affirmative efforts at proactively rehabilitating employees and “meeting them halfway” in terms of fixing the problem at hand, and (2) holding employees fully accountable for their actions and shifting the responsibility for improvement to the employee and away from the company. This way, if termination was the ultimate result, your documentation would show that those employees actually terminated themselves, despite your responsible efforts at helping them.

101 Tough Discussions will likewise follow those same principles in verbally addressing employee performance and conduct problems. As we all know, if we can address such problems verbally and early on, then in theory at least, there should be little need to move forward with a written warning or a termination for cause. And even when there is a need to move to formal documentation in the form of a written warning or even an immediate termination, then the record you’ll have created via your verbal counseling or intervention will bode well for you. After all, you’ll have handled the matter respectfully, responsibly, and in a timely manner, and those are the key standards of workplace due process and fairness.

In addition, remember that performance interventions—whether verbal or written—have to be viewed as good faith attempts to encourage employees to change course and alter their behaviors. They’re never supposed to be viewed simply as ways of “papering files” so that you have documentation on record to justify a dismissal. How many managers using this methodology have been pleasantly surprised by employee turn-arounds once a formal intervention has been introduced into the equation!

Therefore, take heart: This handy guide will help you skillfully address problematic employee performance and conduct issues in the workplace with a level of confidence and certainty that you might not have had up until now. After all, involved management is all about getting to the truly human concerns at hand, which are issues that may have been left unaddressed for far too long. And it’s only in that mode of positive confrontation that you’ll be able to simultaneously protect your company and allow your employees to take back control of their careers. That’s what enlightened leadership is all about.

► How This Book Is Structured

101 Tough Conversations to Have with Employees is structured in a simple format. Each of the 101 Scenarios is followed by a Solution section that outlines a sample of verbiage that you might choose to employ under those particular circumstances.

Perhaps the idea of scripting a verbal communication sounds insincere or artificial. In fact, having a structured outline on hand to help you through these various scenarios will go a long way in helping you get into the appropriate mind-set while remembering some of the key issues that need to be addressed.

In addition, many Solutions are followed by a Special Note section that will keep you abreast of any red flags that could come back to haunt you. For example, if you're speaking with an employee about a body odor problem and suspect that this may be the result of a medical condition, then the Americans with Disabilities Act (ADA) may be at issue. The ADA specifically sets forth that employers who *regard* workers as being disabled may have an affirmative obligation to engage in an "interactive process" with the employee to determine an appropriate accommodation. Rest assured that the Special Note section will endeavor to indicate any key areas for consideration before you begin a dialog with your employees.

All in all, expect *101 Tough Conversations* to address the most difficult conversations that exist in the workplace, along with tips and guidance on how to handle them professionally and with the utmost care. So grab a highlighter, turn to the scenario that best matches the challenge you're currently facing, and outline the structure of the argument you want to make along with the salient points that you want to cover. If used correctly, this book will help you protect your company, guide and develop your employees, and catapult your leadership and management skills to new heights as you positively address even the most challenging people issues that might come your way.

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Introduction: The Rules of Engagement

To make employee turnarounds and epiphanies successful, there are a few key rules of communication to follow: First, remember that it's not *what* you say but *how* you say it that counts. That may sound like an old saying that your grandparents taught you, but in the world of work, people tend to respond in kind: If you demonstrate respect and compassion, you're likely to receive a similar response, even when dealing with the most uncomfortable and confrontational workplace situations.

Second, your greatest asset when dealing with others is *guilt*, not anger. Anger is an external response: When people are mad at another person, they look outward to voice their frustration. Guilt, on the other hand, is internal: When people feel guilty, they look inward and tend to assume responsibility for the problem at hand. That's the Golden Rule of Workplace Leadership: Allow people to assume responsibility for their actions, and you'll "pierce their heart" and get them to want to change things for themselves. Try to force them to do something by making them mad or by challenging or embarrassing them, and they'll resist the change that's being forced on them. We'll discuss strategies for invoking guilt rather than anger responses throughout the book, and psst . . . this works just as effectively in your personal life as well!

Third, remember that *whatever you want for yourself, give to another*. So many times people demand respect, open communication, and other forms of social acceptance without realizing that they don't give those things to others. At a time when many demographers and sociologists are

pointing to major shortages in the labor market because of the upcoming retirement of the baby boom generation, retention is vital. Yet people tend to join companies and leave managers: They initially see the value of the company, its reputation, and perception as a great place to work—only to flee from a manager whom they no longer trust or respect.

They also say that the difference between an active and a passive job seeker is one bad day in the office. When that proverbial straw breaks, sometimes over seemingly minor issues, the job change mechanism kicks into gear, and at best you'll have a worker who has become mentally unemployed. Then you're faced with the "employees who quit and leave" versus the "employees who quit and *stay*" syndrome, and it's only a matter of time until something blows up.

Folks, life is too short! And if your company is anything like the typical company in corporate America, there's usually enough work to sink a battleship. You certainly don't need all the added angst and pressure that comes from walking on eggshells around people who you really don't get along with. That's simply too much for most people to bear, and yes, there's a better way to manage your career as well as your subordinates.

Which leads us to the fourth rule of thumb: Honesty is the best policy. Now I know what you're thinking: Oh please, that's very easily said from the HR ivory tower, but I've got to work side by side with these people every day, so please spare me the hackneyed adages! Being open and honest is particularly difficult when you're dealing with certain kinds of employees, and the confrontation just isn't worth it."

In reality, honesty has to be the basis of everything you do as a leader. Confrontation is tough for all of us. Just remember that differences in opinion are perfectly acceptable; however, *confrontation* in the negative sense is optional. Speaking with others in a respectful and thoughtful tone, regardless of the content of your message, will allow them to assume responsibility for their actions or, in the case of termination, get on with their lives. Try these on for size:

▶▶ Janet, I appreciate all of your hard work and effort over the past three months, but we're at the end of your probation period, and I'm sorry to say that this just isn't working for us. I know how hard you've tried to improve in light of the discussions we've had, and I'd guess that you probably feel that it's not a "love connection" on your end either, but I don't believe this was a good match of your strengths to our needs, and I'm afraid we'll have to separate your employment today. We'll label this as a "probationary termination" in our records, and you'll still be eligible for rehire with the company if some other opportunity surfaces in the future. In addition, we won't contest your ability to get unemployment insurance.

►► Sam, through absolutely no fault of your own, our company is going through a restructuring, and we're going to have to eliminate a number of positions. Yours is unfortunately one of them, and I'm so sorry. I wish it could be different, and we'll do whatever we can to help you through this unexpected transition in your career, but please understand that these sorts of things do happen in people's careers, and I'm afraid that your position is impacted as part of a larger restructuring. We'll discuss a number of ways that we'd like to help you, but before we go much further with this discussion, I just want to check and make sure you're okay. . . .

No, these examples aren't exactly fun messages to deliver, but they're compassionate and understanding. You'll more than likely find that people are willing to meet you halfway and become part of the solution any time you present issues that affect them personally—even terminations and layoffs—with kindness and concern.

In the first example, the probationary employee being terminated for cause will certainly feel remorseful—"I didn't want to lose this job and I've tried so hard. I'm sorry if I disappointed you, and truth be told, I've disappointed myself"—but probably not litigious. Remorse and regret stem from guilt: "I was part of the problem and couldn't increase my performance to a level that was acceptable to the company." And guilt always looks internally for shared responsibility and accountability.

In the second example, the layoff was no one's fault. These things simply happen, and the supervisor was very caring and willing to say, "I'm so sorry." Those three words are critical and so underused! It costs nothing to say I'm sorry, as it costs nothing to say thank you, but few supervisors make consistent use of those magic words. When employees sue companies for wrongful termination, one of the first things they typically complain of is, "I can't believe after all I had done for that company, they threw me out and never even said they were sorry!" That need to hear *I'm sorry* is a universally human trait, so don't be shy about using those very words. It's fair, humane, and fills a very important need in others' lives.

In fact, a lawsuit is typically a tool of workplace revenge. When employees feel like they were stripped of their dignity, humiliated, or disrespected at the time when they were most vulnerable, they often feel a need to get back at the company. We all know about incidents of workplace violence and lawsuits that plague the workplace, but imagine how much easier it would be to treat people fairly and respectfully at the time of their greatest vulnerability and allow them to get on with their lives. Just think how you'd like to be treated under those same circumstances, and use yourself as a guide for handling the situation.

That being said, don't manage by fear of a lawsuit, and don't be afraid of being sued because that's simply the cost of doing business from time to time in corporate America. You should be concerned, however, that you are being sued *on your terms*—not theirs. And that means that you should always be prepared to defend a termination or other adverse action by showing that you were a reasonable and responsible employer and that you accorded employees with workplace due process. In other words, the record should reflect that you listened to the employee's side of the story, investigated the situation thoroughly and objectively, and reached a reasonable and timely conclusion before taking action. That may sound simple, but it can be difficult to avoid acting in the heat of the moment when something goes wrong in the office or on the shop floor.

Finally, the fifth and most important rule in this book is actually a word: *perception*. Perception is never right or wrong—it just *is*. And whenever you use the word *perception*, you're not accusing anyone of anything or proclaiming to be stating facts. Instead, you're simply relaying how you're seeing things from your perspective or what you're hearing from others.

Let's look at the most common problem with people management in corporate America today: grade inflation during performance reviews. Performance reviews are often mandatory in many companies and needed to justify an employee's annual merit increase. But because many supervisors don't keep records of their employees' performance throughout the year or meet with their staff members on a quarterly or interim basis, they have little information on which to justify the grades they give. They of course want to avoid upsetting the employee, whom they have to deal with for the entire upcoming year, so rather than providing an honest grade showing that the person doesn't meet company expectations, they inflate the grade to show that the person is performing at an acceptable—albeit not stellar—level.

Well, this scenario goes on for several years, and low and behold, the company suddenly finds itself in dire straights and decides it must lay off a certain percentage of its workforce. The manager, of course, wants to lay off the marginal performer (i.e., the one who's been “skating by” in a quasi-job that produces few results). However, not realizing that the paper record created over the past few years shows that this individual has consistently met expectations, the supervisor is shocked to find that he or she can't simply lay off the true substandard performer.

Why not? Because more often than not, that particular employee is the longest tenured, the oldest, or otherwise the most protected person

in the group. The fact that you gave this person an overall performance review score of 3—meeting expectations—while everyone else on the team got a 4 or a 5—exceeding expectations—means little in the grand scheme of things. That’s because the employee “heard” that she met company expectations for the entire year with an overall acceptable score. Whether she knew that her 3 was the lowest score in the group isn’t really at issue because overall performance review scores are absolute, not relative. In other words, if her overall score was a 3, then it doesn’t matter if that was the lowest score in the group: A score of 3 still “meets” company expectations, and that’s the only message that really counts in terms of the record your company has created.

At that point, human resources or your outside legal counsel becomes a barrier that’s standing in your way of getting done what you want and need done, and then you’re at odds with your own internal support team. It’s a lose-lose situation because you weren’t honest and upfront in your conversations with this subordinate all along, and now you’re kicking yourself (and anyone else in your path) for not allowing you to get your way. The end result? You have to lay off someone less tenured on your team (who happens to be your star performer) and now begin the progressive discipline process with the laggard employee from scratch—even though she should have been disciplined a long time back.

Now let’s look at it a different way: The substandard performer prepares a self-evaluation in preparation for her annual review. In her opinion, she’s just about the best thing since sliced bread. You, on the other hand, read her self-review, stop yourself from gagging, and scratch your head wondering how on earth this individual could have such an over-inflated picture of herself. Here’s what your revised conversation might sound like:

►► Nina, I’ve read the self-evaluation that you prepared in advance of our performance review discussion today, and I have to share with you that I have a different *perception* of your performance over the past year. I see that you wrote that you feel that your strengths include your consistency in feeding information up to me proactively along with your interpersonal and relationship-building skills. Share with me again why you feel those are your greatest strengths.

Again, Nina, I’m listening to what you’re saying, but my *perception* of those areas is actually quite different. I’ve found that I’ve had to come to you on multiple occasions to find out what was going on in your area, and I’ve felt on more than one occasion that you had left me “flying blind.” Similarly, I sense that there has been conflict and tension with your peers

and coworkers, and I've overheard comments about your unwillingness to assume responsibility for problems and even to blame others when things in your area go wrong. What do you think might have caused that perception on my end?

And so goes the conversation. Notice the use of phrases like “I feel,” “I’ve felt,” and “I’ve found.” Those are very soft indictments that force the employee to look inward; yet they’re extremely honest and open and said with the individual’s best interests in mind. After all, if Nina isn’t made aware of these issues, she can’t necessarily be held accountable for fixing them. As you might guess, it’s not too far a jump to move this conversation in this ultimate direction:

►► Nina, I understand that we have some differences in perception here, and that’s fair—I could respect that. However, as the supervisor in the relationship, I have to tell you that your overall score for the performance period will show that you’re not meeting company expectations. I’m sorry if I haven’t been more communicative with you up to now, but truth be told, it’s often easier to work around you or simply do things myself. However, I’ll commit to you to reinvent our working relationship and share any concerns that arise from now on at the time they occur. I hope that you’ll meet me halfway so that we can move forward on a more positive foot and work toward strengthening our relationship during the upcoming performance period.

And there you have it: mission accomplished! You’ll have treated the individual honestly and with respect, you’ll have delivered a very confrontational message (i.e., “You don’t meet company expectations for the year and won’t be receiving much, if any, of a merit increase”), and you’ll have left the employee feeling at least partially responsible for the problem while inviting her to be part of the solution. It’s a wise approach to what could be a potentially explosive workplace situation.

And there’s one more important note here: As important as it is to use the right words and phraseologies to convey your message, it’s equally important that your conversations remain on solid, legally defensible ground. Although no book can replace qualified legal advice for situation-specific fact patterns, and while this book doesn’t purport to render formal legal advice, the strategy behind the answers in our examples is well tested and practical. You can feel confident that your conversational blueprint will lead you in the right direction both from a managerial as well as a legal standpoint.

PART I

Uncomfortable Workplace Situations

Common Managerial and Supervisory Discussions

Mediating disputes among subordinates, responding appropriately to requests for confidential information, and providing advice before a holiday party are all part and parcel of being a leader and manager. These oh-so-common conversations, however, can trip up well-meaning supervisors who may not be thinking through some of the possible ramifications of the advice they dole out.

Consider this chapter a crash course on Management 101. The tips and strategies here will help you to navigate common but potentially dangerous pitfalls that await you as a manager. Not only will these discussions help you lead more effectively, but they'll also help your subordinates learn how to manage more effectively when they themselves are placed into leadership roles further along in their careers.

► Scenario 1: Mediating Disputes Among Subordinates

Every line manager in corporate America has felt frustrated over employee tensions and unresolved conflict. And let's face it: There's typically more than enough work that needs to be done without involving hurt feelings, resentment, and that walking-on-eggshells sensation that makes you feel more like a referee than a supervisor.

With the critical need for retention of key talent, however, managers

have to find ways to get their people “plugged in” again or else face premature turnover. The reality, though, is that your staff members will almost always take the path of least resistance with each other—which is avoidance—rather than address problem issues head on. As the manager, you must intervene in a mediating role to ensure that a lack of communication doesn’t lead to performance problems or turnover.

Pretending that a problem doesn’t exist or allowing staff members to work out problems on their own may be a safe strategy when a new interpersonal conflict first arises; however, once that initial frustration has festered over time, it becomes time to step in.

The Solution

When two of your staff members are at war, meet with each individual separately and explain how you intend to resolve the problem:

▶▶ Sam, I’m meeting with you one-on-one and will do the same with Christina once you and I are done. I want you to understand how together we’re going to resolve the underlying tension that’s become fairly obvious between the two of you.

First, I’ll want to hear your side of the story, and then I’ll share that with Christina when we meet. I’ll then want to hear Christina’s side of the story, and I’ll share her feedback with you before the three of us come together as a group. This way everyone will know everyone else’s issues, or the *what* of it all, and we could come together and focus on *how* to resolve it.

In short, we’ll solve this in three meetings: Our meeting right now, Sam, is the first one. My meeting with Christina right after we’re done will be the second one. I’ll follow up with you after that and give you her feedback. Finally, we’ll have a third meeting this afternoon where we can talk this out together. Again, everyone will know the issues, so there won’t be any surprises, and we’ll solve this like adults, maintaining each other’s respect and dignity. Are you clear on how I’m planning on handling this?

Privately find out Sam’s side of the story at that point. In your meeting with Sam, ask him why Christina may be feeling the way she does. Ask Sam what he’d like to see happen ideally in terms of his relationship with Christina, and then ask him what he’d be willing to change about his own behavior to elicit a different response from her in the future. Afterward hold the same meeting with Christina, learn her side of the story, and then share her perceptions with Sam.

The third meeting where you all come together is where the proverbial rubber meets the road. Understanding that employees may be nervous or anxious that a serious escalation may occur, set the ground rules as follows:

- ▶▶ Okay, Sam and Christina, I've got two key ground rules that we all have to follow before we begin.

First, you shouldn't hold anything back. This is your chance to get it all out in the open, and if you withhold anything, then you'll have missed a golden opportunity to share your side of the story. You're not going to get another chance to readdress these pent-up issues and frustrations in the future. After our meeting today, I'm re-welcoming you both to the company as if it were your first day of employment. I'm also holding you both accountable for reinventing your working relationship from that point forward. Understood? [Yes.]

Second, everything that you share has to be said with the other person's best interests in mind and in a spirit of constructive criticism. There is no attacking and no need for defending in this meeting; this is really more a sensitivity session where you both get to walk a mile in the other's moccasins and hear firsthand how the other is feeling. Do I have your agreement on both of these ground rules? [Yes.]

Setting up a meeting with these qualifiers automatically de-escalates feelings of angst or anger in the participants. It also gives you the chance to take a gentle approach to interpersonal issues that, like scars, sometimes run long and deep.

Special Note

During the group meeting, you'll sometimes notice that each employee will first address his or her concerns directly to you—the mediator. It will be as if the other person weren't even there. Third-person "he-she" discussions need to be changed into an "I-you" dialogue. To accomplish this shift in audience, simply stop the conversation as soon as one of the participants begins speaking about the other in the third person. Ask the individual to speak directly to the other person as if *you* weren't there. That may appear a little challenging for the participants at first, especially if emotions are running high, but direct communication works best. After all, you're helping them fix *their* problem.

In addition, you should encourage your two staff members to use the

phrases “this is how I feel” and “can you understand why I would feel that way?” Feelings aren’t right or wrong—they just are. Since perception is reality until proven otherwise, it’s each individual’s responsibility to sensitize the other regarding the existence of perceptions that have developed over time.

Knowing that guilt will allow for the assumption of partial responsibility for an imperfect situation, that element of accountability will serve as the seed of goodwill that helps heal old wounds. For example, if Christina feels bad about her relationship with Sam, shares with him why she feels the way she does, and admits that it takes two to tango and that she’s part of the problem, then Sam will likely respond positively to the olive branch that Christina’s extending.

Once you’ve pierced the heart of the combatants, so to speak, then the battle is won. You’ll know you’re there when they’re talking to each other, agreeing that they’ve got a problem on their hands, and demonstrating a willingness to fix it. These kinds of management interventions aren’t normally investigations of fact-finding. Instead, they’re sensitivity training sessions where goodwill and openness naturally heal the wounds associated with ego and principal.

Conclude the meeting this way:

►► Christina and Sam, you’ve both heard the other side of the story now. I’m not asking you to become best friends, but I’m insisting that you both demonstrate respect and open communication toward each other at work from this point forward.

I’ll end this meeting with two questions. First, do I have your commitment that you’ll view the other with goodwill and assume good intentions from this point forward? Second, do you both understand that if the situation doesn’t improve and the work flow is negatively impacted in any way, my response next time may result in formal progressive discipline rather than a goodwill sit-down like this?

And voilà—you’ll have given both employees their day in court, so to speak, where each vents and shares perceptions of the problem. You’ll end the meeting on a constructive note where both agree to change their behavior. And you’ll also create a healthy sense of paranoia where both realize that if the problem surfaces again, there may be a more formal management response—most likely in the form of a written warning. Congratulations! You’ve treated your warring parties as adults and held them accountable for fixing the perception problem on their hands.

Remember, no matter how much you care, you can’t manage *their*

differences. Only they can do that. Still, you can provide a forum for solving employee disputes that brings out the best in people. Establishing a culture of openness means confronting people problems in an environment that's safe and that maintains the individual's dignity. It enhances your position as a leader and establishes your reputation as a fair arbiter of disagreements. There's no better formula for employee retention than treating people with respect, dignity, and a caring ear.

► Scenario 2: Appropriate Responses to Requests to Speak "Off the Record"

Have you ever had an employee come up to you and ask to speak with you off the record? Many well-intentioned managers have been happy to grant their employees full access, without qualifying the nature of the issue up front, much to their later chagrin. In fact, you've got to be very careful about promising confidentiality before you know what the employee is about to divulge for one important reason: Certain issues, by their very nature, require immediate disclosure. You simply won't have the discretion to maintain confidentiality under any circumstances by the very nature of the topic, and your promise to do so may indeed place you in a precarious position in terms of breaching a subordinate's trust.

Here are some real-life scenarios that innocent managers have inadvertently stepped into without realizing that they would have to disclose the information to the company's HR or legal department:

►► John, I'm really concerned about Marlene. It looks to me like she's being harassed by her supervisor, and she's just not the type to make waves or formally complain. I feel so bad for her, but she'd die if she knew that I was telling anyone about this. Poor thing! She knows I've overheard his rants and shouting sessions, but I'm sure she thinks I'll keep it confidential. I certainly wouldn't want her to know that I mentioned this to you.

Vic, I'm having a really bad day today. In fact, if anyone bothers me, I may be upset enough to really ruin someone's day (pulling a bullet out of his pocket and tapping it on his desk).

Millie, not that it's my business, but it looks to me like Doris is moonlighting for our competition on the weekends. Don't say anything! I wouldn't want her to get in trouble or lose that extra income stream, but I

wonder if she's feeding any of our proprietary information to our competitors.

The Solution

These scenarios point to the real-life danger—both to the company and to your own physical well-being—of promising confidentiality before you know the nature of the issue. That's because subordinates often don't realize what they're asking you to do when they request that you keep matters confidential before knowing what those matters are about. When someone asks you to speak off the record, respond this way:

►► Laura, I'd be happy to speak with you confidentially, but it depends on the nature of the issue. I *can't* speak off the record if the subject has anything to do with one of three things: (1) harassment and discrimination, (2) potential violence in the workplace, or (3) a conflict of interest with the company. If what you're about to say has anything to do with those three things, then I've got an *obligation to disclose* the information and can't keep it confidential. So before you say anything to me, keep in mind those parameters and understand my obligation as a manager and officer of the company. That being said, do you still want to have a confidential discussion?

Yes, this may sound a little formal, especially if you know the employee well. Keep in mind, though, that you don't have the discretion to keep matters confidential that could negatively impact the organization. In addition, remember the low threshold used over and over again in harassment and discrimination cases: Once a supervisor or other member of the management team is made aware of a problem, then in the eyes of the law, *the entire company is placed on notice*. That's an awfully large burden for you to bear if a lawsuit ignites based on the fact that you were the sole supervisor informed about a serious problem. It smarts all the more when the plaintiff's counsel then alleges that your being put on notice was the same as your company's CEO being put on notice.

Remember, you don't have the option of responding, "Well, I didn't say anything because the employee asked me to keep it confidential." That's the death knell for your case, and any experienced defense attorney (representing your company) will roll her eyes once she hears that and recommend that your company simply settle out of court. In short, you'll have no defense and will have provided just about the weakest excuse

imaginable because “my employee asked me to keep it confidential” is an outright breach of your fiduciary responsibility to your company, and everyone but the most unseasoned and untested supervisor knows that. It’s a sucker punch of the highest degree, and it’s one that you’ll want to avoid at all costs.

Likewise, after you’ve promised confidentiality to an employee, you don’t really want to be the one who goes back to HR and divulges that the individual made a veiled threat of violence by tapping a bullet on his desk. Of course, you have to disclose that information for fear of workplace violence and in light of this threat to others’ safety; however, the employee will know that you’re the only person who knew of his “comment” (aka threat), and that could bode poorly for you in terms of protecting your own health and safety. Add this red flag to your management toolbox so that any time you’re asked to talk off the record, you’ll know how to respond up front.

► Scenario 3: Promoting a Neophyte into a First-Time Supervisory Role

At first glance, this topic may seem a little out of place in this book. After all, what’s so tough about promoting someone into a first-time supervisory role? Shouldn’t that be a topic of joy and jubilation rather than potential confrontation? Well, it depends how you look at it. Of course, it’s always wonderful to promote people into roles of leadership, but the truth is that most newly minted managers require “the talk” before you go ahead and officially bless their promotion.

Why? Because if they assume that they’re simply getting promoted and earning more money to do more of the same, they’re mistaken. Promotions into supervisory roles require a whole new set of skills and strategies, and if your company is willing to invest in them and promote them, then you have every right to establish your expectations on a go-forward basis. As a result, this can be a challenging discussion for you to give and for your employee to receive, but more often than not, you’ll find that establishing this new mind-set will go a long way in helping newly promoted supervisors to excel and thrive in their new roles.

However, don’t be too surprised if you get some initial resistance and even a challenge or two. After all, goes the logic of the newly promoted supervisor, why would you consider promoting me if I wasn’t doing an

outstanding job, and why are you killing all the fun and taking away from the moment by telling me about all my weaknesses?

The Solution

This talk needs to be an honest and balanced assessment of the individual's performance up to now, along with the heightened expectations you have for that individual in the new role. It may sting a bit during the time of delivery, but it's meant to get that individual thinking about where he's been, what he's accomplished, and where he wants to go from here. As a result, you might want to structure your conversation like this:

►► Heidi, I wanted to meet with you to discuss your pending promotion. I'm sure you're excited to see it happen, but before all the paperwork goes through and this becomes formalized, I want to talk with you candidly and openly about my expectations of you in your new role. Does that sound fair? [Yes.]

Up to now, you've been an A student. You've worked very hard, applied yourself in every way, and did everything that I assigned to you with a smile and can-do attitude. You've kept me in the loop regarding your progress and always let me know if you wouldn't be able to meet a deadline or ran into any unforeseen delays, and I've always appreciated that. Truth be told, that's why I've been so supportive of your promotion into a first-line supervisor role.

That being said, I want you to know how things look from my perspective, and I'm not holding any punches. The good news is that this will be an open and honest conversation that I want you to take in and learn from; the not-so-good news is that some of this may be difficult for you to hear, so I want you to approach this with an open mind. Fair enough? [Yes.]

Good. Let's start with my expectations: If you receive and accept this promotion, you'll be supervising people who are now your peers. That means that there may be some resentment or jealousy from those whom you feel closest to. It also means that you're going to have to distance yourself from them a bit so that there's a clear line or distinction between you and them.

That means, first of all, that you'll need to dress more professionally. Up to now, you've worn clothes and apparel that are befitting of a staff member. But I wouldn't say they were befitting of a member of the management team. Some people on your staff dress exceptionally well, and

you know who they are. I don't feel that they should dress more professionally than you; however, if you're not careful, the people you supervise may "show you up," so to speak. Your image therefore becomes very important, and I want you to give some thought to the image you want to portray both toward your subordinates as well as senior members of management. Is that fair? [Yes.]

Okay. Next, you need to choose your friends a bit more carefully. Up to now, you've been very tight with a small group of girls outside of our department—Cindy, Joanne, and Stephanie—and that's fine. I can't tell you who to befriend. What I can tell you, though, is that from my view, with all due respect to them, they're kind of seen as the class clowns on this floor. People don't take them very seriously because they don't take their careers very seriously and are constantly joking and giggling and playing pranks on one another.

Again, they're your friends, and I'm not dictating who you should be friends with. But I can tell you that if I see you and them as one and the same, others will too, and that's not necessarily going to help your career. My recommendation would be to expand your circle of friends to include other supervisors and department heads. Let people see you networking with higher-level associates, and they'll tend to categorize you upward into that group, which will help them take you more seriously. Do you see my logic here? [Yes.]

Finally, and most important, I need you to step up in terms of how you see yourself and how you'll take ownership of the projects you work on and the people you supervise. In short, up to now you've been an A student. But I don't need a student anymore—I need a teacher. And my expectations for teachers are totally different than for students.

For starters, I'll need you to lead, not follow. I'll expect you to take well-calculated risks, but always with advanced approval. (As you know, I don't like mavericks and hate being blindsided.) I'll need you to speak with authority and command a room, and I know you haven't really been expected to do that before. This promotion, though, will change all that. They say that life begins at the end of your comfort zone, and I'd like to think that you're heading into that phase right now.

Are you ready to teach by setting lesson plans, delivering new information, making solid recommendations, and confronting problem situations head-on? Will you be strong enough to discipline or even lay off or terminate subordinates whom you now consider close personal friends? Will I be able to count on you to reinvent yourself in light of these challenges? [Yes.]

These are my expectations, and you need to be sure that you're ready

to step up your own performance to meet them. I promote successful people into successful roles. However, there's a risk of failure here, like with any change in life, and you need to be sure that you're ready for the challenge.

You don't need to answer me right now. I'd rather you sleep on this, think about it carefully, and get back to me tomorrow. Know that you're not alone in this and that I'll always be here to help. But before you say yes to this promotion, make sure you're clear on my expectations and in your ability to meet them. Don't take this opportunity for granted, and get ready to enter a new stage in your career. When you meet with me tomorrow, I'll want to be convinced that you're ready to go and excited. Now let's talk about what questions you have. . . .

Wow! That's a lot of information. And of course it doesn't have to do with only these particular issues; chattiness, avoidance of confrontation, or a messy office are just as valid criteria. What's important is that you're honest in your assessment of the individual's performance up to now as well as your future expectations. Your honesty may be difficult to hear at first, but it can serve as an advantage for the newly minted supervisor's career development. That's what enlightened and selfless leadership is all about.

► Scenario 4: New Supervisor Syndrome

When three peers—say at the department manager level—work together side by side, year after year and one is suddenly promoted to director, now managing the two former peers, resentments and hurt feelings may occur. After all, as much as the two former peers are happy for their newly promoted colleague, that person is now their new boss, and all sorts of weird feelings and vibes may suddenly get in the way of their relationship.

In addition, the new supervisor often feels a bit guilty that he was promoted and the other two were passed over. His guilt, combined with their hard feelings, can create problems in what was once a fairly cohesive group.

The Solution

When tension and resentment show themselves, the new supervisor often responds in one of two ways: He either (1) placates the others and apolo-

gizes for his promotion, allowing the two new subordinates carte blanche to do whatever they want, or (2) turns into General Patton, taking every opportunity to establish his new control over the group. Obviously, either extreme creates its own set of problems and must be addressed quickly and definitively.

▶▶ Travis, I need to meet with you regarding your transition into your new role as director. Tell me how it's going overall, and specifically address how your two former peers—Janine and Heather—are dealing with your new responsibilities.

Don't be surprised to hear Travis tell you that things are going swimmingly well or else confirm what you've heard from other members of the staff: That he's either placating them every chance he gets or he's isolating them by demonstrating total control over everything they do. In the first case, proceed as follows:

▶▶ Travis, I'm glad you feel like things are going well overall. I want to share with you, though, what the word on the street is. Apparently more than one person on your staff has noticed that you appear to be apologetic to Janine and Heather, almost feeling guilty that you were elected for promotion while they weren't. If that's the case, it's totally understandable. It's known as New Supervisor Syndrome, and it's common for the newly promoted peer to placate the others or otherwise allow them total discretion to do whatever they want without much direction or instruction. Is it possible that this might be the case in your group?

Again, your style and tone need not be harsh or judgmental. You're simply trying to help Travis solve a problem, and getting him to talk about why he might harbor feelings of guilt or otherwise be hesitant to supervise his former peers is the first step in resolving the problem.

On the other hand, if you hear that Travis is taking the General Patton approach to dealing with his former peers, you might structure your initial conversation this way:

▶▶ Travis, I'm glad you feel like things are going well overall. I want to share with you, though, what the word on the street is. Apparently more than one person on your staff has noticed that you appear to be taking a very heavy hand with Janine and Heather. It's to a point where one person told me that he was embarrassed to be in the same room when you addressed them both in a condescending and antagonistic manner.

I understand that they both report to you now, and this is clearly your unit, but let's discuss how you want to run it. More important, let's discuss what kind of reputation you want to develop with your staff as the new unit head and what kind of culture you want to emanate from the top down.

Assuming Travis reports to you, you have every right to discuss his new transition into the unit head role. You likewise have the discretion to provide him with feedback regarding the “word on the street,” or what you hear others saying about him. Engage him openly and honestly, and you'll more than likely find that he'll be amenable to your constructive suggestions and willing to convert his newly acquired responsibility into benefits for his two former peers as well as the whole team.

► **Scenario 5: Inheriting an Employee with Disciplinary Problems**

Incorporating employees from other departments is a fairly common occurrence in corporate America. Of course, hiring someone from another group who is looking for a transfer is one thing; being told that you have to now incorporate someone from another department into your team in light of restructurings and other corporate initiatives—especially if he's known to have performance or conduct problems—is quite another. And to make matters worse, you'll sometimes have a newly inherited employee join your group with a set of unrealistic expectations established by the former supervisor:

“My boss promised me a 10 percent merit raise this year. Is that still on?”

“I've been told I'll be promoted on my anniversary, which happens to be next month. What would you like my new title to be?”

“Yes, it's true that I'm on final written warning for what my boss called substandard job performance, but she just didn't like me.”

Remember, this is what you signed up for when you got into management! These individual challenges could often take up more of your time

and cause you more angst than the whole cultural integration process of merging your new and old teams together. When one employee is a squeaky wheel of sorts, dedicate your time to hearing the individual's side of the story and tending to her needs, but promise nothing until you've had a chance to research the situation thoroughly and through as many sources as possible.

The Solution

What prior management promised in terms of promotions and large salary increases may in fact hold true because it's documented and because your human resources and finance departments have given prior approval. More often than not, though, you'll find that such claims are based on assumptions on the employee's part, so be sure and temper their ambitions while you look further into the matter.

Unfortunately, you may have the unpleasant chore of communicating to your new employee that former management, HR, and finance do not agree that this was a done deal, so the huge merit increase and/or promotion won't be happening this go-around.

►► Gene, I researched your initial request regarding the promotion from assistant to coordinator that you believe you were promised. In actuality, though, after speaking with Mark in finance, Carson in human resources, and Ashley, your former supervisor, I'm afraid that your proposed promotion never formally got approved. Ashley had every intention of making that happen, but as you know, without signed approval from the department, HR, and finance, the item remains on the wish list.

Unfortunately, I won't be able to award a promotion now due to company budget constraints and the fact that our working relationship is untested. If you'd like to speak with Mark, Carson, or Ashley, you're more than welcome to do that. I can only tell you what they've shared with me and also let you know how I'm planning on handling the matter as your new supervisor. I'm sorry I don't have better news for you.

In cases like this, let the individual know exactly whom you spoke with, what they said, and why there may have been confusion. That being said, confirm that all parties are in agreement with the decision, and invite the employee to speak directly with those individuals himself if he so chooses. Just remember that you weren't part of that decision. You're simply communicating what was communicated to you, and you'll be

open to evaluating the situation with a fresh set of eyes on a go-forward basis.

Sometimes, though, it will be more than hurt feelings or disappointment that you'll be inheriting. Candidates who are transferred into your group on final written warning status for substandard job performance, attendance, or inappropriate workplace conduct may cause specific challenges. When that is the case, make copies of the written and final written warnings, share them with the employee up front in a private meeting, and talk about them openly. In most cases, it's best to get things like that out in the open and to discuss them rationally, adult to adult. You might open your meeting with the employee as follows:

▶▶ Michelle, I realize that there are typically two sides to every story, and the validity of the documents isn't in question: As far as I'm concerned, they're valid because they're in your personnel file with your signature. What I'm looking for now is how we reinvent our relationship and move forward, on one hand with a clean slate, and on the other with knowledge that these prior occurrences are real and to a certain extent "in play." Share with me how you'd recommend that we reconcile these two realities.

What you want to look for now is how the individual responds to those warnings. If she is very defensive and quick to blame others, you may have someone who suffers from "victim syndrome" and who fails to take responsibility for her own actions. In comparison, if she readily admits that she's made mistakes, assumes responsibility for her actions, and is committed to avoiding those mistakes in the future, you're halfway there. That's because people who readily admit that they were the cause of a *perception* problem—even if they don't agree with the facts—demonstrate a high level of business maturity and are much more prone to seeing the bigger picture and not repeating past mistakes.

Yes, these can be challenging scenarios that are sometimes forced on you, especially if you really like your current team and really don't want the added responsibility of integrating others into the close-knit environment that you've worked so hard to cultivate. But don't underestimate the value of this opportunity that lies before you. You'll rarely be given such a chance to shine from a leadership development standpoint, your résumé will have a nice new juicy bullet point to discuss for years to come, and you may just find that today's most sought-after attribute—the ability to lead others through transition and demonstrate key leader-

ship skills in a changing business environment—is a hidden strength that you can apply in any workplace situation that comes your way.

► Scenario 6: Stopping Attitude Problems in Their Tracks

One of the most common challenges facing supervisors is dealing with employee attitude problems. You'll know you have this situation on your hands when you sense an entitlement mentality evidenced by rolling eyeballs, sighs, and antagonistic body language. Still, trying to stop such "silent" behavior is difficult because it's so easily denied by employees.

Frequently, supervisors tend to avoid confrontation associated with employees who "cop a 'tude" because the path of least resistance is avoidance and because the whole matter seems so slippery. After all, as a manager, you don't want to come across as too touchy or overly sensitive. Still, the feelings of resentment linger and all too often result in the employee being publicly shunned and isolated. Sometimes those pent-up emotions result in a public shouting match when some proverbial last straw is broken, and by then the situation is out of control.

The Solution

There are two key points to keep in mind when attempting to eradicate this all-too-common workplace problem. First, tell the person in private how you *perceive* her actions and how she makes you feel. Be specific and paint a picture with words so that the employee clearly understands the behaviors in question. Ask for her help in solving the perception problem that exists, and make a mutual commitment to hear that person's side of the story and better the situation. Second, avoid the term *attitude* in your discussion and replace it with words like *behavior* and *conduct*, which are much more neutral and objective.

Interestingly enough, the word *attitude* is simply too subjective and inflammatory a word and typically escalates disagreement by fostering feelings of resentment and anger. As a matter of fact, courts have interpreted *attitude problems* as being mere differences of opinion or personality conflicts. It is therefore critical that you avoid that specific term in any of your conversations or disciplinary documentation.

When attempting to fix a communication problem that exists with

one of your staff members, approach the matter by painting a picture with words like this:

▶▶ Lisa, I need your help. You know they say that perception is reality until proven otherwise. I feel like you're either angry with me or angry with the rest of the group. I may be off in my assumption, but that's an honest assessment of the *perception* you're giving off. I don't know if anything's bothering you or if you feel that I can be more supportive of you in any way, but please let me know if that's the case.

Otherwise, though, understand that *you make me feel* embarrassed in front of other members of the staff when you roll your eyes upward and sigh, "Okay, I'll get it done!" Your body language is also confrontational when you cock your head back and place your hands on your hips.

Do you feel it's inappropriate for me to ask you to complete your work on time? Should I even have to follow up with you regarding project completion deadlines, or should it be your responsibility to keep me abreast of the status of your projects? *How would you feel* if you were the supervisor and one of your staff members responded that way to you in front of others? Likewise, *how would it make you feel* if I responded to your questions with that kind of tone in my voice or body language? Would you feel that I was disrespectful or otherwise condescending toward you, especially in front of the rest of the group?

Notice the highlights in the paragraph above: "You make me feel . . ." and "How would you feel . . ." are common phrases that invoke feelings of guilt in others. Feelings aren't right or wrong—they just are. When combining such phrases with an opening statement like, "There's a difference in perception here," employees are usually much more willing to hear your side of the story objectively. After all, there are two sides to every story, and employees typically won't deny that they're partially responsible for the problem if it's presented in the right way. What they often want, however, is to be heard and to gain your attention as their manager. Therefore, seize this opportunity to fix the problem verbally by declaring a truce and listening with an objective ear.

▶ Scenario 7: Advice Before a Holiday Party or an Offsite Event

Sometimes being a manager is like being a parent. You've got to get "into your kids' heads" before an important family event to make sure they're

adequately prepared and in the correct frame of mind because one careless comment or mistake could do some significant damage, both to themselves and to other family members. And how many times have our parents or have we, as parents, thought about a situation involving our kids and gasped, What were they thinking?!

Of course, we're not expected to play the literal role of parent in the workplace, but it's not too far a stretch to intuit that, like it or not, we're saddled with a similar sort of obligation in our roles as supervisors and leaders. Company holiday parties, picnics, and outside activities are meant to be fun and lively and a way for coworkers to get to know one another outside of the work setting. However, the damage that could be done by careless comments or inappropriate behavior can have exceptionally negative ramifications for participants who aren't thinking straight or who otherwise let their guard down. After all, hearing about people who were fired after a holiday party because they got drunk and made inappropriate comments to the wrong people is not just folklore—it's alive and well in the business world today.

The Solution

Before embarking on a company-sponsored offsite event like a holiday party, meet with your staff to help them “get their heads on straight,” especially if alcohol will be served at the affair. Your opening salvo might sound something like this:

►► Hi, everyone. I wanted to call this short meeting in advance of tonight's holiday party.

'Tis the season, as they say, but I want to spend a few minutes with all of you discussing how to best handle yourself and what to do if you're placed in an uncomfortable or awkward situation for any reason. Also, note that alcohol will be served, and each of you will get two tickets, which will be good for a total of two drinks. That doesn't mean that you have to use them, though, and soft drinks may be the alternative of choice after you think about what I'm about to say.

Yes, holiday parties are meant to be fun and spontaneous. And yes, I don't want to spend so much time warning you all about potential inappropriate conduct at tonight's bash that I end up taking all the fun away before the party's even begun. But there are limits around what the company considers acceptable behavior at holiday parties, and people have been known to jeopardize otherwise healthy careers with just one night of

indiscretion. In fact, people have even lost their jobs for having lost their cool at a festive fete. So before I set you loose on the world (and on each other) at this holiday get-together, please be sure and keep these three rules in mind:

Rule #1—Employees are responsible for holding themselves accountable for all aspects of their conduct and behavior as if they were back in the office, and that’s the standard you’ll be held to. Unfortunately, many employees forget their manners at holiday parties by overdrinking or otherwise making fools of themselves. Then they sit back and wonder why they’re being disciplined or terminated the next day because things got out of hand.

Rule #2—This is a *work*-related event—not a private free-for-all—and work standards will need to prevail. So here’s what we’re doing to help all of you successfully navigate the temptation that lies ahead. First, we’ll serve plenty of nonalcoholic beverages as well foods that are high in protein, which slows the body’s absorption of alcohol.

Second, we’ll be collecting car keys at the beginning of the party, and we’ll stop serving alcohol early. We’ll distribute car keys when you’re ready to leave and after we’ve ensured that employees or their family members are sober.

Finally, we’ll have volunteer spotters and designated drivers assigned to monitor the party and, if necessary, to drive intoxicated employees home. The company will also arrange for taxis or even a hotel room should anyone become impaired by alcohol. Under no circumstances, though, are you to drive while under *any* influence of alcohol afterward.

Rule #3—If you find yourself in an uncomfortable situation because someone is acting like an ass, come and see me or one of the staff members from human resources. When it comes to inappropriate conduct and even harassment, the fact that you’re at a company-sponsored party doesn’t mean that workplace rules are no longer valid. If you’re uncomfortable for any reason, excuse yourself and come and get me immediately—even if the person acting inappropriately is a member of the senior management team.

This is meant to be a fun event, but not all managers have these kinds of talks with their staff members in advance, and I want you to know that I’m here to help—as is human resources—if you need anything at all. Have a great time, make new friends, expand your network, and all

that fun stuff. But don't do anything that would make you wake up the next morning and moan, *Oh, no! What did I do and what was I thinking?*

Yes, you're ending your presentation on a bit of an ominous note, but that's okay. If the last words that your staff hears you utter are words of caution and prudence, you'll have done your job. Don't feel guilty. They'll figure out how to have fun on their own without much help from you or anyone else. What's important is that your team is tight, sharp, and prepared to handle any situation that comes their way because of your thoughtful and proactive leadership.

Individual Appearance and Uncomfortable Workplace Dilemmas

This chapter isn't meant to be disrespectful, inappropriate, or in any way irreverent. It's just that these all-too-common workplace issues often get short shrift in the press because they're simply too uncomfortable to deal with. The path of least resistance is avoidance, and managers often steer clear of confrontation—especially if they hope that the problem will simply disappear. But what are your responsibilities to your immediate subordinates and to the rest of the company when it comes to uncomfortable workplace situations? More important, what do you say to fix the problem without insulting or embarrassing the individual involved?

You've probably seen one of these variations on a theme before: Several of your staff members come to see you because a long-time coworker has developed a body odor or a halitosis problem. Or perhaps an individual arrives at work with her hair in a mess, looking like she just got out of bed. Maybe a subordinate's face sports a new, prominent piercing or maybe a visible tattoo is being shown off to make a statement. How nice it would be to pull out a policy manual that dictates management responses in instances like these. More likely than not, however, you'll need to verbalize an ad hoc solution to the particular circumstances that you're facing.

► Scenario 8: Bad Hair Days

Bad hair days may be a result of a new hair color, wild style, unkempt appearance, or just about anything else that people could do (or fail to do) to their hair. If an employee shows up at work looking like she's stuck her finger into an electric socket or otherwise presents some kind of shocking twist to what used to be a "normal" hairstyle, you might want to address the situation using some of the sensitive approaches outlined next.

The Solution

Publicly shaming or ridiculing an individual will only develop resentment and anger. The goal of any management response in situations like these is to ensure that the individual is treated with dignity and respect. So here's how we might address our first scenario, bad hair days, by making light of the situation and using a little humor:

►► Leslie, come see me in my office for a few minutes. Here, I'll shut the door. I have to share something with you, and I don't want to hurt your feelings or embarrass you in any way. This is private, just between the two of us. Leslie, your hair—something's either happening too much to it or not happening enough. Have you been to Opal's Hair Palace recently? You're making a bit of a statement because it's looking rather severe, if you don't mind me saying so. I thought it would be a good idea to address it with you quietly before anyone else addresses it with either you or me. What are you planning on doing with that (pointing to the coif)?

Typically you'll find some nervous shuffling along with an apology. "Oh Paul, I woke up and went to the gym and didn't have time to comb it out the way I normally do. I'll run to the restroom right now and fix it and make sure that I come to work dressed for work from now on—including my hair! I'm sorry about that. Did anyone else say anything? I'm so embarrassed!"

Okay, easy enough. But what if your employee looks at you like you're the crazy one and is very proud of her new follicular achievement? If you suspect your employee may take offense or if she doesn't respond

well to the light-hearted approach outlined previously, lower your voice and give your discussion a more serious air.

▶▶ Leslie, that's not the way you typically wear your hair. And I respect people's right to adjust their appearance however they see fit. However, there are some parameters in the workplace that typically need to be followed for obvious reasons—clients' possibly taking offense, the company's reputation, its perception in the business community, and the like. Do you feel it might be possible that someone could find your unkempt hairstyle a bit distracting or out of alignment with the overall image of our office?

Again, it's always better to lead the horse to water than to force it to drink. If the employee in this situation sees your logic and accepts your suggestive hints, then she'll assume responsibility for the problem and fix it. It's that simple. However, if you still sense resistance or an outright challenge, you certainly have the right to outline the company's expectations and directions.

▶▶ Leslie, I'm sorry, but I'll have to disagree with you. I called you into my office in private so that we could discuss this quietly, and I wanted to handle the issue respectfully, adult to adult. However, if you insist that you have the right to wear your hair the way you're wearing it today, I'm afraid I beg to differ. If you simply won't wear your hair in a manner that's acceptable—the way you've typically worn it to work since you began here—then I'm afraid I'll need to speak with human resources (or senior management) to determine how to best handle this.

I'd like to outline for you, however, what my recommendation to HR will be. I'll suggest to them that you be allowed to take the rest of the day off with pay to determine whether you want this job and feel my request is reasonable or whether you'd prefer to no longer work here.

Either way, I'll respect your decision. However, you need to realize that if you're unwilling to present yourself in proper attire and appearance—which I know you know how to do since you've carried yourself that way since you began here—then I'll accept that as your resignation. Again, I want to speak with HR first before giving you the rest of the day off to rethink this whole thing, but I wanted you to know my initial stance on the matter. For now, please hold off on dealing with any customers until I've heard back from HR. I'll get back to you shortly.

Note that you're under no obligation to pay a nonexempt employee for the rest of the day. However, you may find that offering time off with

pay is a smart move. It shows you to be a wise, patient, and nonjudgmental employer, and it creates a sense of guilt (rather than anger) in the employee. In contrast, if you choose to send nonexempt employees home without pay, then you'd simply dock the hours involved since the time they left the office. With exempt employees, however, you should generally pay them for the full day if they've performed any work for you that day, including showing up to begin work. Otherwise, you may end up creating an unnecessary wage and hour claim, which could expose your company to serious liability.

In addition, notice how you've clearly laid out your expectations and calmly explained the outcome of the employee's actions. There's no need to rush to termination for failure to follow company policy (if you've indeed got this outlined in a dress code of some sort in your company handbook or policy and procedure manual) or for insubordination (for failing to follow a directive). Instead, allow the employee to make the decision to adhere to normal dress standards and remain employed or to simply resign. No drama, no fuss—just a calm and respectful response with clear expectations and outcomes.

Special Note

Before you place someone on a “decision-making leave” of sorts, be sure and check with your human resources department or other members of senior management. After all, when it comes to matters that could result in termination, you don't want to assume all that responsibility by yourself. Instead, think of it as a hot potato that you want to share with others in management. So before you officially send your employee home to consider whether she wants to remain employed or to resign, make sure the appropriate parties are aware of your intended actions. This way, before you terminate anyone, you'll have gotten the appropriate levels of advanced approval.

In addition, by getting these approvals up front, you'll be deemed to be working *within the course and scope of your employment*, which is so important should your company ever be legally challenged by the outcome. Remember that when individual managers get legally entwined in lawsuits and are sued separately from the company, it's typically because they were deemed to have been operating outside the course and scope of their employment.

If this employee resigns at day's end based on principle, then so be it. No one on your management team will be shocked to learn of this out-

come, and they'll all be united in fighting any claim for wrongful termination (or discrimination or harassment, for that matter) because they were involved up front in the organizational decision.

► **Scenario 9: Inappropriate Dress**

Let's assume a female employee shows up for work in a blouse that shows way too much cleavage. This conversation, of course, would work just as well for a male employee who wears his pants too low, but the cleavage example is a bit more uncomfortable, especially assuming that you're a male supervisor, so we'll go with that one for the sake of this scenario.

The Solution

As you saw in the previous example and as you'll see in the following examples in this chapter, the normal way to handle uncomfortable workplace situations is to call the individual into your office in private and relay your concerns appropriately. In the case of excessive cleavage, however, a male supervisor may want to invite a female co-supervisor to join the meeting to avoid perceptions of sexism or, in extreme cases, possible sexual harassment claims. You might initiate your conversation like this:

- Phyllis, I wanted to speak with you briefly in my office about your workplace attire, and I invited Joan to join us. I don't mean to make you feel uncomfortable in any way, and truth be told, I'm a bit uncomfortable bringing this issue to your attention because it has to do with the amount of cleavage that you're showing in the outfit that you chose today. Again, I don't mean to offend you, but I'm afraid your choice and style of dress this morning might possibly offend some of our clients. Could you help me find a solution to this?

A reasonable response on the employee's part might be, "I'm sorry, Paul, but I didn't think that this was too revealing. Do you really feel like this is an inappropriate outfit?" You might then respond, "Well, it looks fine when you're standing straight, but truth be told, Phyllis, when you bend over—which you do quite often as a teller—your cleavage becomes more prominent. I don't want to embarrass you in any way, but I don't

want our customers to feel uncomfortable either. That's why I'd like your help in figuring out how to best handle this."

And the most logical conclusion would end, "Well, I don't have another business outfit here at the bank, so I'll need to go home and find something else. I could be back in forty-five minutes, and I'm sorry if my choice of clothes this morning made anyone uncomfortable." And voilà, the employee took the hint and rethought her wardrobe selection every day from that point forward. Happy ending!

But what about someone who challenges your gentle suggestion: "I feel this outfit is perfectly appropriate and shouldn't offend anyone. I'm sorry if you don't like it, but last time I looked, I don't believe we have a policy on the amount of cleavage that's allowed to be shown." With a challenge like this, beware: The worker may have an ulterior motive or may simply want to challenge you on principle. In either case, you'll need help, especially if you're a male supervisor dealing with this particular topic.

Let the employee know that you hear what she's saying but that you'd like additional input from your human resources department (or other appropriate department, like legal or administration). The employee could perhaps work on paperwork (but avoid meeting with customers) for the time being while you research this more thoroughly. Assuming that your HR department provides you with the appropriate approval, you're then free to instruct the employee to return home for the rest of the day with pay to rethink her commitment to the company. At that point, proceed by placing the employee on a decision-making leave, as outlined in Scenario # 8.

► Scenario 10: Body Piercing and Body Art

Assume that your customer service manager walks in one day with a new ring in his eyebrow and a metal post in his lip. After you gasp and think, "He can't service customers looking like that!" you again devise a way to position your message so that he arrives at that same conclusion himself.

The Solution

Try opening your initial conversation this way:

- ▶▶ Michael, I need to talk with you privately about your fashion decision. First, let me say that I don't mean to embarrass you in any way. I respect

you as a person, and I don't mean at all to dictate what you do in your personal life. But I've got to ask you: Are you sure that you've given sufficient thought to your eyebrow ring and lip post in terms of how they might impact the customers that you service in our accounting firm? I guess what I'm getting at is that knowing that kind of look might alienate some of our clients, would you be willing to remove them while you're at work? Or would you consider removing them whenever you have to deal with the public? What are your thoughts?

The value to this approach lies in its subtlety and reasonableness. Few companies have policies restricting facial hair on men or insisting that women wear dresses in the office. And even the major accounting firms' consultants now arrive at their consulting assignments in more of a casual dress mode than in the blue suit–red tie combinations of the past. Still, body piercing tends to result from revelations and epiphanies of what's cool, what's important in life, and what rights people believe they have over their own destinies. In short, it's not something to brush over lightly.

If your conversation leads to some kind of compromise where the employee agrees to leave the hardware at home or to take it off whenever dealing with customers, then you'll have accomplished your goal. Employees who feel they've been treated respectfully and not simply been told what to do will almost always agree to some kind of modification that will please the company and allow them to maintain their individuality.

If the employee, on the other hand, insists that he has the right to show off his new accoutrements to whomever happens to walk into the CPA firm that day, you again have the right to send the employee home to think about whether he wants to remain employed or to simply resign. As outlined in Scenario #8, you also have the right to move to outright dismissal if you feel you're left with no other choice. Just don't forget to obtain advance approval from human resources or qualified legal counsel.

► Scenario 11: Tattoos

Eyebrow rings and lip posts are removable. Tattoos aren't (at least not for the sake of this conversation). How would you address the ankle bracelet tattoo or back-of-the-neck black widow tattoo that seems about ready to climb into the employee's hair? The phraseology may be different, but

the strategy is the same: Discuss your concerns openly, listen to the individual's side of the story, and then look for some resolution or compromise that you can both live with.

The Solution

Initiate your conversation on a problem-to-solution level:

►► Eileen, a few of the staff members brought to my attention that you'd gotten some new tattoos over the weekend. I respect the fact that you have the right to do body art, but as the nursing supervisor in the ICU, I'm a little concerned about how some of our patients might respond. In essence, you know that we're a little bit more of a conservative hospital, but that doesn't mean that we want people to act like robots and repress their individuality. I wanted to talk with you and see if there could be a way where your desire to express yourself has a minimal impact on the patients and their families who come to us for care. What are your initial thoughts about that?

Once again, the majority of people will offer alternatives that minimize the problem in the workplace: "Maybe I'll wear surgical pants rather than a dress to cover the ankle tattoo, and I'll wear blouses with collars so that patients won't be able to see the spider tattoo on my neck." And there you have it—a reasonable approach begets a reasonable response.

Again, more likely than not, employees will respond reasonably to your request if your presentation is respectful and appreciative of people's differences. In fact, it's more the exception where employees don't respond favorably to such an understanding approach.

However, there can be an occasional instance where a subordinate chooses to make a stand over a new tattoo. If, for some reason, the employee totally refuses to engage in a dialogue with you, a decision-making leave as outlined in Scenario #8 may be appropriate. In addition, if you feel you have a legitimate business reason for disallowing that the tattoo be prominently exposed, you may be within your rights to terminate the individual. Again, this is not a protected category under the law, and most "at will" states will provide you with the discretion to separate employment. Always check with your company's human resources department or with qualified legal counsel before proceeding down that path.

► Scenario 12: Halitosis (Bad Breath)

Suppose your subordinates meet with you en masse to complain that a coworker's bad breath is making the workplace intolerable. Breath odors typically come from garlicky diets or insufficient personal hygiene. Whatever the case, those coworkers shouldn't have to suffer through such challenges, especially if the issue simply stems from others' choices about their own cleanliness.

The Solution

As with all cases involving uncomfortable workplace situations, handle the matter respectfully and in private, remembering that your goal is to fix the problem without damaging the individual's self-esteem or creating unnecessary embarrassment. Here's how you might open up the conversation with your subordinate:

►► Dominic, I called you into my office because I wanted to speak with you about something. The feedback is a bit difficult to share, and I'm fairly uncomfortable right now, so I want to make this as straightforward and simple as possible: I believe you may have a problem with bad breath.

You know how most of us would appreciate it if someone told us that we had spinach stuck in our teeth or that our zipper was down just to save us from embarrassment? I see this as one of those conversations because even though it's difficult news to share, it's really in your best interests.

I know these things are usually the result of overindulging in spicy or garlicky foods, but is there something you might be able to do on your own to fix this perception problem that exists?

A reasonable response on the employee's part would be to apologize for the problem and ask if anyone else has noticed. In those circumstances, it's best to be honest, although you may want to deliver your message gently: "Yes, I'm afraid that I'm not the only person to notice this. But a few of your coworkers came to me out of concern for you, not to get you in trouble. They were about as uncomfortable telling me as I am telling you. That's why I'm hoping we could agree that this is simply a fixable problem that we can address now that you're aware of it."

That caring approach will typically be all you'll need to fix the problem without a lot of drama. In matters regarding personal hygiene, employees will usually fix problems that are brought to their attention both

out of embarrassment and peer pressure. If the problem ever surfaces again, it would be easy enough to remind Dominic of this initial discussion without having to say much other than, “It appears that the problem we discussed about your breath may have become an issue again. Will you be able to fix that for me?”

But if you’re ever called to have this discussion for a second time, you’ll want to add one more sentence to your closing statement: “Dominic, I want your commitment right now that we’ll never have to have a conversation about this again.” With that commitment in hand from the second event, you could probably rest assured that the matter will become a nonissue from that point forward.

A difficult conversation can make the difference between success and failure for a valued employee. Care enough to hold that difficult conversation. You have that responsibility to your subordinates who, for whatever reason, may not see the impact of their personal behaviors.

► Scenario 13: Body Odor from Lack of Cleanliness

Body odor is an equally uncomfortable issue to address because of the personal nature of the problem, but don’t expect that the employee is even aware that it’s an issue. If he were, there probably wouldn’t be a problem in the first place. But some members of the younger generation pride themselves on defining a bath as jumping into a chlorinated pool, while other folks simply fail to apply deodorant consistently. At other times, it may simply be a case of too many wears before a wash. Whatever the case, an odiferous offender shouldn’t upset everyone else in the department, and there are tactful ways of handling the matter professionally.

The Solution

You’re best off opening your private conversation with the assumption that the individual isn’t aware there is a problem. This way, even if he does know, he could pretend that he’s being made aware of this problem for the first time and take appropriate measures to correct the situation. Here’s a sample conversation launcher:

- Roger, I wanted to meet with you one-on-one in my office because I need to share something with you privately, discreetly, and with as much sensi-

tivity as possible. You may not realize it, but it appears that you have a body odor problem, and it isn't merely a personal matter—it's a workplace disruption issue that I'll need your help to repair.

I've had conversations like this with employees before, and usually they're not even aware that the problem exists. I don't mean to make you uncomfortable, but don't mind my asking, Are you aware of the issue, and if so, is that something you could take care of on your end?

Again, this is a fairly comfortable approach that avoids putting anyone on the spot, and assuming the individual is aware of the issue to begin with, your putting him on notice should be all that's necessary to solve that odious challenge. You might then offer Roger the option to return home with pay, freshen up, and then return to the office when he's ready. That's a fair and objective way of handling an uncomfortable workplace situation without drama or histrionics.

People with poor hygiene habits may be oblivious to how that can affect others in the workplace. Your conversation links the personal hygiene problem to a workplace performance matter, which places you on clear ground to address the matter as part of the individual's overall performance.

You might then choose to end the conversation on a positive note:

▶▶ Roger, listen, I'm here to help in any way I can. If you'd like us to set up a fan in your office, or if you'd like to change your schedule so that you could take breaks throughout the day to have time to freshen up, I'd be very supportive of that. Just let me know whatever I could do to help, okay? If you wouldn't mind, though, I'd prefer not to have to address this with you again because it's a bit uncomfortable for me, so is this something you feel you could fix on a go-forward basis?

And that little segue out of your conversation will allow the employee to dash out of your office, run home to shower, and then make sure that he never has to hear those horrible words from anyone else again for the rest of his career!

Special Note

If the employee begins to offer reasons for his body odor that go beyond mere hygiene (for example, medical issues), stop him before he goes into too much detail. You don't want much information as to the cause of his body odor if it's anything more than failure to use the appropriate

amount of soap. Instead, let Roger know that if he needs to seek medical treatment for a health-related condition, he should take time off to go to the doctor as soon as he can get an appointment. And if your company offers an Employee Assistant Program (EAP), provide him with an EAP brochure so that he can call them and get the appropriate resources that he needs to solve the dilemma.

If accommodations will be necessary, you'll receive them from the physician or medical facility in the form of a doctor's note. Doctors' notes should immediately be shared with your corporate human resources team or with qualified legal counsel for an appropriate company response.

Finally, if the employee's offensive body odor continues and it's not linked to a medical condition as far as you're aware, inform him that coming to work unclean or unkempt is unprofessional and disrupts productivity. You can then place him on verbal notice that if you have to address this matter again with him, appropriate disciplinary action may follow.

Appropriate disciplinary action in a case like this would most likely be in the form of a first written warning. The very nature of this infraction, especially if it has anything to do with obesity, will not lend itself to more progressive forms of discipline like immediate termination or even a final written warning for this first, documented offense. Of course, this will depend on your company's progressive discipline practices, but the point here is that this is probably not a good time to accelerate or skip steps in your company's progressive disciplinary practices.

► Scenario 14: Body Odor from Suspected Medical Reason

Delving deeper into the previous scenario, odors may sometimes come from chronic medical conditions like obesity or colostomy bags. These conversations are a little trickier because they're not necessarily something your employee can physically control. In addition, the Americans with Disabilities Act (ADA) may govern these matters, so it may be more than workplace sensitivity: It may be a matter of law.

The Solution

Now that I've gotten your attention, proceed this way:

- Joan, I need to make you aware of a situation that has come to my attention, and I'll need your help to solve it. A few of your coworkers came to

me out of concern for you, but also out of concern for themselves. Apparently there is an odor coming from your desk area that makes it difficult for them to do their work. The odor is described as being a combination of sweat and urine, and apparently this is the third time that they've noticed it. It's happening about the same time every month, and they've asked me to address it with you. You don't need to share any specifics with me regarding the cause. I'd rather you address some possible solutions with me so that I could help, assuming that you agree that this could be a problem.

If the employee identifies some underlying cause for the medical problem, refocus her comments on the effects of the issue rather than its causes. Again, under the Americans with Disabilities Act, you're not obligated to accommodate a disability that you're unaware of, so the fewer details you have, the less you have to formally "accommodate." At that point, ask her how she could resolve the matter: "I trust that you understand how this could be a problem." A typical response on her part might be, "Well, I'll make a doctor's appointment for tomorrow and see how this can be solved," is a typical response that you could expect from the employee under the circumstances.

Special Note

First, a caveat about the ADA: As a civil rights-oriented antidiscrimination law intended to bring disabled workers into the workplace and to keep disabled employees in the workplace, its intentions are more than admirable. However, the law itself was written loosely and provides plaintiff attorneys with lots of room to argue its merits and applications to the workplace. In addition, a number of states have their own interpretations of the ADA, many of which are even more liberal or employee-friendly than the federal version. Add the fact that remedies can include punitive damages, and your company could face serious legal exposure.

In addition to defining a disability as a physical or mental impairment (or record of such an impairment) that substantially limits one or more major life activities, the ADA also covers individuals who are "regarded as having" an impairment. In other words, even if no disability technically exists, a plaintiff's lawyer could argue that you, the employer, *regarded* the employee as having a disability and that your company was therefore governed by the act.

Finally, in preparing for any workplace discussions with your em-

employees regarding physical or mental conditions that may be governed by the ADA, remember that the law does not merely prohibit discrimination against the disabled. It imposes additional affirmative obligations on employers to accommodate the needs of people with disabilities and to facilitate their economic independence.

Medical intervention may be the only practical direction in which an employer can lead an employee under these circumstances. Just be sure and close your conversation this way: “Joan, you just take care of yourself. If you need time off, or if your doctor recommends any special considerations that we can help you with, just let us know. We’re all concerned about you and want to make sure you’re okay.”

Practically speaking, you’ll have demonstrated care and compassion to an employee in need of your help. Legally speaking, you’ll have begun the process of fulfilling your obligation under the ADA to engage in an “interactive process” with the employee to determine an appropriate accommodation, if one is applicable, resulting in a work environment that enables the individual to be comfortable and productive. Well done!

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101 TOUGH CONVERSATIONS**

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