COURSE SYLLABUS

Managing Employee Conduct and Performance Course

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

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



CustomerRelations@graduateschool.edu • (888) 744-4723

Course Outline

Module 1: Dealing with Problem Employees — A Strategic Overview

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

Module 2: Disciplinary Offenses

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

Module 3: Formal and Informal Disciplinary Actions

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

Module 4: Determining the Penalty

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

Module 5: Documentation and Proof

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

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

Module 6: The Most Common Problems

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

Module 7: Preventive and Extreme Steps

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

Module 8: Handling Performance Problems

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

Module 9: Selected Labor Relations Topics

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