



# **COUNSELING, REVIEWS, & HANDLING DIFFICULT EMPLOYEES IN THE WORKPLACE**

Presented by: **GORDON&REES**  
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YOUR 50 STATE PARTNER™



# ***COUNSELING, REVIEWS, & HANDLING DIFFICULT EMPLOYEES IN THE WORKPLACE***



# Takeaways

- How to effectively counsel underperforming employees to raise their level of performance
- How to adequately document an employee's file in case of litigation
- Best Practices for dealing with the "Plaintiff-Employee"

# COUNSELING, REVIEWS, & HANDLING DIFFICULT EMPLOYEES IN THE WORKPLACE

## Counseling

**COUNSELING BEST PRACTICES**

- Document!
- Train
- Honesty is the best policy
- Set concrete targets

## Best Practices

**CONSISTENT**

- with employee
- with policies
- between employees

**CLEAR**

- to all parties

**DOCUMENT!**

**TARGETS**

- for improvement
- for evaluation

## Reviews

- Timely
- Comprehensive
- Objective
- Consistent
- Goal-oriented

**MECHANICS**

- Prepared and reviewed by supervisor and HR
- Be upfront and provide early warning
- Document! Always in writing

## The "Plaintiff-Employee"

**MANAGE THE FLOW OF INFORMATION**

- The HR department HR officers
- The senior people involved, the general rule of the management
- Beal creating the course narrative

**BE CONSISTENT WITH YOUR COUNSELING/DISCIPLINE**

- Realization for compliance
- Review of discipline being a rehearsal for the flow of counseling other problems

**RELY ON THIRD PARTIES TO MINIMIZE APPEARANCE OF ANNUIS**

- Proceed with a clear support
- Using a third party HR group
- Using a third party

# Counseling



Common Mistakes



PRACTICAL TIPS

"We've talked to him about this a lot"

*Who, what, where, when, why?*

TESTIMONY IS OFTEN UNRELIABLE. NOT TO MENTION YOUR RELATIONSHIP WITH SUPERVISORS CAN CHANGE OVER TIME



**DOCUMENT!**

*• Send yourself an email!*

"She knows better"

*Do not assume that employees know what they are doing*



**TAKE THE OPPORTUNITY TO TRAIN**

"I don't want to upset her"

*Failure to communicate poor performance lets issue fester*



**HONESTY IS THE BEST POLICY**

"He won't change"

*'Knowing' an employee will be unresponsive is not reasonable*



**SET CONCRETE TARGETS**

*• Provides concrete basis for re-evaluation  
• Clarifies expectations for both parties*



## COUNSELING BEST PRACTICES



Document!



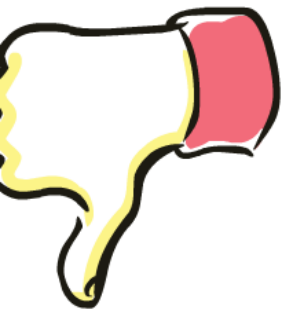
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Set concrete targets



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Practical Tips

"She knows"

Do not assume that she knows what she knows



**TAKE THE OPPORTUNITY TO TAKE THE TIME TO DOCUMENT!**

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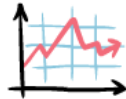


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# Reviews



Timely



Comprehensive



Objective



Consistent



Goal-oriented

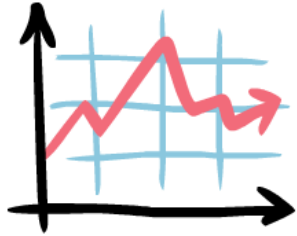


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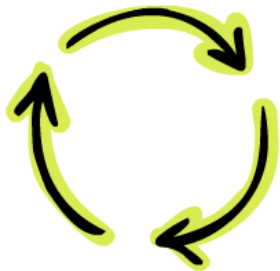
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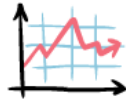


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# The "Plaintiff-Employee"



## **MANAGE THE FLOW OF INFORMATION**

- Do not undermine HR's efforts
- The more people involved, the greater risk of inconsistencies
- Avoid creating unnecessary witnesses



## **BE CONSISTENT WITH YOUR COUNSELING/DISCIPLINE**

- Retaliation for complaining
- Beware of maintaining a relationship for fear of causing other problems



## **RELY ON THIRD PARTIES TO MINIMIZE APPEARANCE OF ANIMUS**

- Firewalls within the company
- Using third-party HR groups
- Using advice of counsel

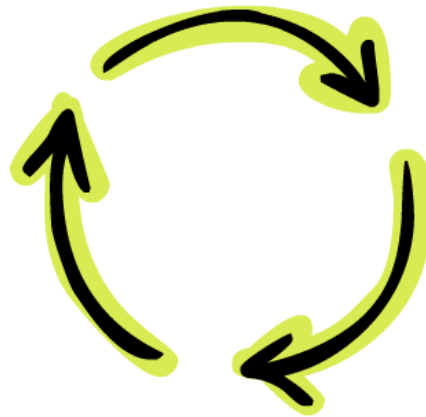


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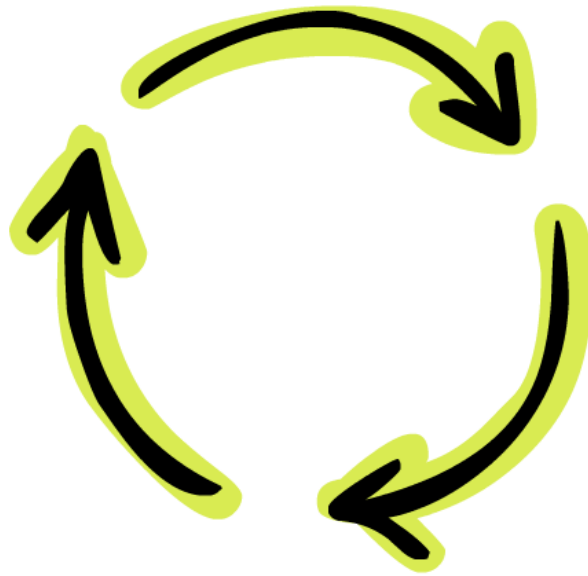
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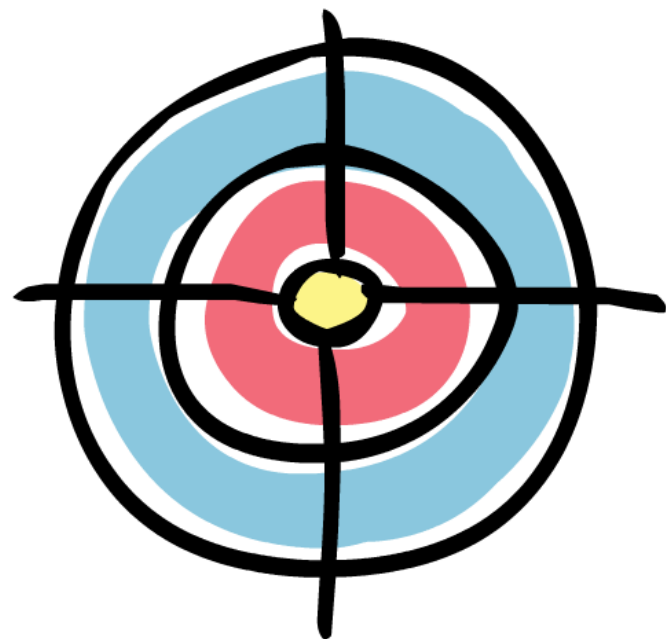
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A hand-drawn illustration of a document with a thick black border and a folded top-right corner. The document contains several lines of brown scribbled text. A blue horizontal banner is overlaid across the middle of the document, containing the word "DOCUMENT!" in white, bold, uppercase letters.

**DOCUMENT!**

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