

4. INTRODUCTION TO PERFORMANCE AND CONDUCT

Employee expectations fall into two categories – Performance and Conduct.

Performance:

- Expectations related to the employee’s job classification or job assignment. They include the quantity, quality, accuracy, and timeliness of work products.

Conduct:

- Expectations are work rules that relate to employee behavior. Examples include adhering to work hours, proper use and reporting of time, honesty, proper interactions with clients and coworkers, etc.

There are times when performance and conduct expectations "cross paths". For example, a receptionist who is frequently tardy (conduct) may also be failing to meet a performance standard to unlock the office and prepare for the public (performance). [Section 6: Performance](#) deals more specifically with what performance expectations are, and how the supervisor communicates and uses them in the evaluation process. [Section 7: Conduct](#) provides further information on conduct expectations.

A. What is the difference between performance and conduct?

In general, performance relates to the quantity, quality, accuracy, and timeliness of work products. Conduct issues relate to compliance with work rules. Performance problems usually involve a “can’t do” issue while conduct problems generally involve a “won’t do” or “should not have done” issue. For example, if an employee is making too many errors in work products, it is usually because he or she lacks the training, ability, or experience to properly perform the work (can’t do) and may need additional training or coaching.

Conversely, if an employee is frequently late or absent (won’t do), it is usually not because he or she lacks the training, ability, or experience to report to work. A discussion of the conduct followed with verbal/written disciplinary action for continued disregard, rather than training, is usually appropriate.

B. Why do we make a distinction between performance and conduct?

You should always contact Human Resources when there is any question about the appropriate corrective action to take.

Again, if you are addressing conduct issues with a probationary employee that has not resulted in overall improvement, you should consult with your Department Director/Chief and contact Human Resources about rejecting him or her during their probationary period.

Corrective Action and Disciplinary Action

Corrective action and disciplinary action are two terms that you will encounter in dealing with performance and conduct issues. Although corrective action may lead to disciplinary action, they are not the same.

C. What is corrective action?

Corrective action is the informal process the supervisor begins when an employee's performance or conduct is first identified as needing improvement. Normally, the first step in corrective action is bringing the issue to the employee's attention (counseling), and suggesting ways to "correct" the problem (corrective action plan). This first step is informal and may or may not result in a memo confirming the counseling. However, if a written memo confirming the counseling is not issued to the employee, the supervisor should still retain some written evidence that the counseling session occurred (e.g., a note in the supervisory file).

Examples of informal "corrective action plans" you may suggest in these initial discussions for performance problems might be:

- proofread your documents before submission
- review procedures daily
- attend training class in Word

Examples of informal "corrective action plans" for conduct problems might be:

- have no more than 2 unscheduled absences over the next 3 months
- attend a course on dealing with difficult people

The intent of corrective action is to assist employees in correcting their performance and/or conduct to meet expectations. Corrective action is an informal process that normally occurs before the disciplinary process, and may include developing a corrective action plan.

D. What is disciplinary action?

Disciplinary action is taken when corrective action has not caused the employee to correct his or her performance or conduct to an acceptable level. Disciplinary action may be taken without prior corrective action when an employee’s performance or conduct is so egregious or serious (e.g. criminal offense, workplace violence) that informal corrective action is not an appropriate response. Disciplinary action includes verbal warnings, written warnings, suspensions, demotions, and dismissals. Disciplinary actions involving a loss of pay (suspension, demotion or termination) can only be administered after conducting a pre-disciplinary hearing. Disciplinary actions are discussed in more detail in both [Section 5: the Pre-Disciplinary Hearing Process](#) and in [Section 7: Conduct](#).

E. What is discipline of Record?

A Discipline of Record replaces unpaid suspensions with a disciplinary letter that equates to a suspension, thereby establishing that there has been previous discipline if misconduct occurs again. Positive aspects of discipline of record from management's perspective are that the employee does not actually leave the workplace, thereby avoiding the disruption to workflow and cost to fill in behind the employee. Positive aspects from the employee's perspective are that no money is lost, and, in some cases, the associated "Performance Improvement Plan" which, if successfully completed, may result in removal of the disciplinary letter within a specific period of time.

F. Is it Performance or Conduct?

BEHAVIOR	CATEGORY
An employee won't perform an assignment.	Conduct
An employee can't perform an assignment.	Performance
An employee is constantly late.	Conduct
An employee is not meeting a numeric quota of productivity.	Performance
An employee was rude to a coworker/customer.	Conduct
An employee's work has frequent mistakes in it.	Performance
An employee has a "bad" attitude.	Neither – Managers must identify observable behavior.