

Bad attitudes & complaints: Handling workplace negativity



Negative employee attitudes and less-than-professional behavior can poison the workplace atmosphere. Below are some tips for handling problem employees before morale suffers.

Complaint forms, personnel files, performance reviews and discipline warnings must be legally compliant, and cover issues like different punishments for the same fight, nipping negativity before it derails morale, and investigating even seemingly frivolous complaints.

1. What's the best way to discipline an otherwise capable employee whose constant complaining is not only bringing down morale, but also undermining the efforts of a new manager?

It's tempting to ignore the constant complainer as a crank who is never taken seriously. Sooner or later, though, the complaints will lead to a confrontation that can seriously **undermine a manager's authority**. Clearly this subordinate is challenging not only management's patience, but also its authority. He/she must be disciplined. Here are some suggestions for disciplining a chronic complainer.

- You must be able to show that the employee's behavior violates company policy. No one would question a manager's right to discipline an employee who refuses to follow orders. But coming down hard on an employee who doesn't like the new color scheme in the cafeteria would be out of line.
- Don't dismiss a complaint as being too trivial. Investigate it fully and get back to the employee with an answer. Some constant complainers are cured when they see how ridiculous their complaints look under formal scrutiny.
- Never try to justify a major disciplinary action by building a case based on a lot of minor complaints. Putting employees under special scrutiny or constructing a file filled with reprimands or unsatisfactory appraisals will make matters worse. Each complaint should be judged on its own, immediately after it is filed.
- Never let a constant complainer deter you from appropriate discipline. Some of them might argue that your discipline is in retaliation for one or more of their complaints. You have a right to discipline any employee whose behavior or performance has been unsatisfactory, whether or not he/she has filed a complaint.
- Sometimes the chronic complainer is only speaking for him/herself. But there are times when he/she might be reflecting the feelings of a whole department. That's why it's never a good idea to totally ignore the complaints. Check with colleagues and co-workers to see if there's any validity to the claims.

- Be a sounding board. Most managers run and hide when they see a problem employee approaching. Try the opposite tack and attack their complaints with a quick investigation. You may find more than you bargained for. Often, people who act in a negative way are really looking for an outlet, someone who will listen and reassure them. Give them the attention they're seeking and you may lessen the severity of the problem.

2. An employee has been complaining to our customers about the long hours he's forced to work, and how underpaid and underappreciated he is. Is it legal to fire him for making the company look bad to its customers?

Not in this situation. The National Labor Relations Act (NLRA) gives employees the right to discuss their wages and other terms and conditions of employment, whether it's with one another, with the press, or with customers.

Note: The NLRA does not protect statements that cause damage to the business; it is not likely to protect disloyal, defamatory, or maliciously false statements. It also does not protect statements that do not address the employer's labor practices.

3. Is an employee's inability to get along with others protected from discipline or discharge by the Americans with Disabilities Act (ADA)?

The ADA protects employees with mental disabilities. Confusing a mental impairment with a bad attitude can cause employers to violate the ADA if they refuse to accommodate or decide to fire an employee based on a covered mental impairment that had been mistaken for a so-called bad attitude. Such mistakes may be common, especially when most companies do not have the medical resources handy to separate the wheat from the chaff when employees complain of being "stressed" or "depressed," for example.

What to do: If an employee with a negative attitude claims a mental disability, employers have the right to ask for medical certification or, in some cases, a second opinion, to confirm the claim. Your second line of defense should be documented proof of the employee's essential job duties, and his/her failure to fulfill those requirements.

Finally, you may want to consider putting a policy in place explaining the types of behavior that are not acceptable in the workplace. All three of these strategies can help support your employment decisions as being legitimate and based on the employee's performance, not his/her disability.

Keep in mind that employees with disabilities may be disciplined for violating conduct rules, as long as the rule is job-related and consistent with business necessity. Whether the application of a conduct rule is job-related and consistent with business necessity may rest on several factors, including:

- the manifestation or symptom of a disability affecting an employee's conduct;
- the frequency of occurrences;
- the nature of the job;
- the specific conduct at issue; and
- the working environment.

4. What's the best plan of action for dealing with an employee with a personality problem before discipline becomes inevitable?

The next time you're exasperated by a stubborn "personality" problem, try the following tips.

- **Be specific.** Give clear-cut examples of what is unacceptable about the behavior. Example: "When you give work to an administrative assistant, I expect you to put the assignment in a neat pile on her desk, explain in a polite tone of voice what you need done, and thank her in advance for her time." Now you've

set a standard that can be met (solving your problem) or missed (helping you document your case).

- **Don't throw in the towel too early.** Just telling the employee that he/she has a problem is not enough. Determine if the problem is personal or professional. Start with the workplace. Has your department recently expanded or contracted in size, been under a great deal of deadline pressure, or struggled with a lack of resources? Has the employee been assigned more – or less – responsibility? Is the job beyond his/her experience or expertise? If the problem is a professional one, there are many steps you can take before you give up on an employee, including: rewriting or clarifying goals; providing extra training; or changing, eliminating, or reassigning job duties, etc.
- **Be patient.** Once you've pinpointed the exact nature of the problem and recommended a solution, don't expect the situation to change immediately. Make it clear that the standards for performance do not lessen in a personal crisis, but that you will be as accommodating as the company allows you to be.

5. What can an employer do to control negativity before it spreads?

Besides dealing with employees individually, you should have tactics prepared for handling your workforce as a whole in order to prevent negativity from infecting all your employees.

- **Communicate.** Make sure employees know that you have an open-door policy, and that you are willing to share what you know about events and news in, around, and about the company to the best of your knowledge and ability. This will also help feed information into the office grapevine, which can help negate rumors and false information.
- **Participate.** The more you listen to employees, and take an active interest in their concerns, the less likely they will be to complain to each other. At the same time, make employees part of the goal-setting process, so they won't feel like they're just being ordered around.
- **Set standards.** Base them on behavior, not attitude. You can't control an individual's thought processes. However, you can control negativity somewhat by putting consequences on behavior. For example, you may not be able to change the fact that an employee doesn't like a particular company policy, but you can emphasize what disciplinary measures may be doled out if the policy is not followed.
- **Hire right.** Identify negative individuals before they land a job in your office. During the job interview, listen for feelings that "life isn't fair" in response to the following questions.

a) Have you ever felt you've been treated unfairly in the past? Why? How did you react?

b) What were your chief concerns about management in your previous jobs?

c) If given the chance, what would you have changed if you were the manager at your last job?

6. Two employees have a classic personality conflict and bicker constantly. Due to the nature of their jobs, they must interact with each other. What's the best way to stop their petty squabbling?

Put your foot down. Tell both employees in no uncertain terms that they need to put their petty differences behind them. While they do not have to like each other, they do need to act professionally and respectfully. Manage their performance only; do not try to solve their interpersonal differences if they are not job-related. Finally, warn them of potential disciplinary consequences if their behavior does not change.

Don't allow the employees to give you excuses or point the finger at the other person. They must take responsibility for their own behavior, and the expectations you have defined for them are not up for negotiation.

7. An employee was put on a performance improvement plan. She refused to sign it unless she could add her own comments. Now what?

While you don't want to cater to every demand of a difficult employee, there's nothing wrong with allowing her to attach a separate sheet with her comments. This way, she feels that her views are being heard, but you are not changing any of the terms or expectations of the improvement plan.

Be sure to explain to the employee that her signature does not signify that she agrees with it, just that she has read it. Allowing her to attach her comments is even more proof that she was duly warned.

Finally, be clear that even if she disagrees with the plan, she must still abide by it, and the consequence of noncompliance is termination.