

HR guide for managing problem employees



HR wears many hats, one of the most important being keeping your organization out of court. An equally important—and related—hat is smoothing out the "people problems" that inevitably arise in any organization.

Whether advising managers on how to rein in their difficult employees, or having the problem thrown right in your lap, you must be prepared to effectively manage a host of personnel issues. Effective means helping the employees overcome their issues. Ineffective means the problem continues. It can also mean a disgruntled employee. And we're all aware that unhappy workers pose the greatest threat of an employment lawsuit.

Here's useful advice on how best to solve common employee problems, which you can also pass on to managers who seek your guidance (or who throw an uncomfortable situation your way, so you can hand it back to them—tactfully).

Five-Fingered Freddy

Problem: Even honest employees who would never dream of stealing money out of the petty cash drawer may not think anything of occasionally taking notepads, a box of pens, blank CDs, and other office supplies home with them. Over time and over multiple employees, these items add up to big losses.

Solution: There are two steps you need to take. First, you need to address the issue directly with employees. Communicate that taking items of nominal value amounts to theft and is a disciplinable offense. You may open some eyes to the fact that what they're doing is wrong, and other eyes to the notion that you're on to them and consequences are in the offing.

Second, you need to put theft prevention measures in place if you can't count on employees to control themselves. Someone must be put in charge of conducting routine physical inventories and tracking supply use. Someone must also be tasked with approving supply requests before orders are put in. Finally, keep the supply room locked so employees can't gain access without a member of management present. An alternative is to keep the supplies in a central location, in plain view, so it's obvious when someone takes something.

Constance the Complainer

Problem: An employee's complaint-writing activities have started to noticeably eat into work time.

Solution: You're not paying employees to complain, but that doesn't mean you can completely prohibit them from doing so during work hours. While your intent may be to get the employee back to work, it may look as though you are trying to silence a disgruntled employee. And that could run afoul of the National Labor

Relations Act (NLRA), which protects workers' right to complain about terms and conditions of employment.

While there is a fine line you must walk between reining in a grievance-filled employee and not violating the NLRA, make no mistake: You are allowed to draw the line.

- Take the focus off the act of complaining and deal with the resulting impact on the employee's performance. Reiterate that work comes first. Make it clear that you're not trying to discourage him/her from voicing his/her complaints, but that he/she needs to keep up with job duties and that complaints can be written up at home. Point to specific examples of how the employee's constant complaining adversely affects his/her performance, as well as department morale.
- Advise employees of the proper way to file a complaint. Make sure they understand how and to whom complaints should be submitted.
- Encourage employees to share their concerns with you or another member of HR or management as soon as they arise. The sooner they air their concerns, the sooner they'll be able to refocus their attention on work.
- Keep employees in the know. Most constant complainers gripe so much because they don't feel their complaints are being addressed properly. Apprise the employee of how the investigation is progressing. When you've concluded the investigation, inform the employee whether the complaint is found to be actionable or not.
- Ask employees to also provide a suggestion or solution for resolving the issue at hand. This can help you come to a mutually satisfying solution faster.

Battling Bettys

Problem: Two employees just can't get along. For whatever reason, they don't like each other. They refuse to interact with each other if they can help it, but sometimes it can't be helped. The tension is thick enough to cut with a knife.

Solution: If you've determined that there is no basis behind their conflict that requires company intervention (e.g., bullying, racial animosity), and it truly is a personality clash, take no prisoners. They are adults, and they should act like it. The combative employees need to be sat down and told in no uncertain terms that they need to grow up and get over it. And if they can't put aside their differences, they need to find new jobs.

Don't allow them to point the finger at each other. Force them to focus on their own behavior and what they can each do differently to smooth over their work relationship.

You can't make them like each other, but as their employer, you can expect them to be professional, work to the best of their abilities and display a positive attitude.

Musical Mary

Problem: An employee says she works better while listening to music, so she brings her iPod to work. She wears headphones, so she doesn't disturb those around her, but because she constantly has them on, she is difficult to communicate with.

Solution: Listening to music at work is a privilege, not a right, so you can impose restrictions for the good of your business operations. Require that employees:

- Keep the volume level low so that it does not impede with others trying to communicate with them
- Remove their headphones when approached by any manager, employee or client, no matter how brief the exchange
- Not walk around the office, attend meetings or meet with clients while listening to their iPods.

Bad Attitude Barry

Problem: An employee has been with the company for years and does excellent work. The problem is his extremely negative attitude.

Solution: Telling the employee he has a bad attitude is not enough. You need to point out specific behaviors and how they affect the workplace, make clear that they need to change, and provide a time frame for making improvements. If this is the first time you've broached the subject, discipline is not appropriate, as he's never been warned that his behavior will not be tolerated; however, do warn him that he will be disciplined if he does not show immediate and sustained improvement.

You might want to start off the meeting in a way that does not make the employee feel like he's being attacked. A defensive employee is less likely to hear — or embrace — your message of change. Consider asking the employee if he has an issue or concern he'd like to discuss or if there is anything you can help him with. Sometimes, an employee just needs to be heard and acknowledged. Once you've opened the door, you can approach the negativity problem from a "here's a better way to deal with it" angle.

Of course, you'll want to evaluate the validity of the employee's negative feelings. If his complaints have merit, take the opportunity to fix the problem before others are affected. In some cases, though, you may have to just accept the fact that the employee is an overall unhappy person and no matter how far back you bend for him, he will never be happy.

Gabby the Gossip

Problem: The office grapevine is alive and kicking thanks to this employee. She is either the source of the gossip or she helps spread the news around.

Solution: If gossips aren't stopped, their loose lips can take a toll on company morale and put a dent in employee productivity. If the information being passed along is confidential in nature, discipline accordingly. Otherwise, discourage office gossip without sounding as though you're trying to prevent employees from talking to one another altogether.

- Emphasize the harmful effects gossiping can have and how rumors can hurt co-workers and the company in general.
- If the information is false, make that clear. Nothing cuts a grapevine deeper than inaccuracies.
- Take a proactive stance and flood the grapevine with correct information when it comes to company matters.

That way, workers won't have to go to the office gossip for their facts. The more open you are to answering questions or clarifying issues, the less employees will rely on gossip. Of course, don't be afraid to tell employees when you're not at liberty to discuss something either.

Don't try to completely kill the grapevine. It's human nature for people to exchange "inside information" about what's happening in the office. Too many attempts to stifle employee communications will cause them to suspect the company is covering something up. Also, you don't want to risk running afoul of the National Labor Relations Act by punishing employees for talking about terms and conditions of employment.

Cubicle Casanova

Problem: Office romances are not prohibited. A single male employee has dated four women in the short time since he's been hired and has expressed interest in two others. He has not harassed or pressured any of them, there has not been any fallout from any of the breakups, and none of the women have expressed any problem

with him either before or after their relationship. He has no direct reports, but is on track for a higher-level management position.

Solution: It seems like only a matter of time before this employee's dating habits cause a problem. Especially if he continues to fish from the company pond as a management-level employee.

The most obvious problem is potential sexual harassment claims. The legal risk only gets greater the higher he moves up the corporate ladder. That said, the powers that be may not want to take that chance with him. So while they may not put a stop to his dating behavior, they may pass him over for promotion because of it. Clue him in. Potential legal risk to the company may not be as big of a change motivator as answering "what's in it for me?"

You don't necessarily have to prohibit him from dating colleagues, but advise him to keep his personal life a little more separate from his work life. And keep your ear to the ground to ensure romances remain consensual.

Angry Andy

Problem: The employee has an anger management problem. He hasn't thrown any punches, but his quick temper has everyone around him walking on eggshells.

Solution: When the employee loses his cool, address the issue as soon as possible.

- Recognize the employee's emotions and empathize with him. *Example:* "Andy, I know you were frustrated to learn that the deadline was pushed up two weeks. We all were."
- Discuss what specifically about the employee's behavior was inappropriate. *Example:* "Your reaction to Saul when he told you that the deadline was being pushed up was disrespectful. You yelled at him, used profane language, and even threw a file folder at his feet."
- Stand your ground if the employee's blood begins to boil. *Example:* "If you continue to raise your voice, I'm going to ask you to leave this meeting. We'll continue the conversation tomorrow, after you've calmed down. I, however, would like to put this issue to bed right now. What do you say?"
- Explain how you expect the employee to behave in the future. *Example:* "From now on, I expect you to deal with your feelings of frustrations more constructively. Take a five-minute walk to clear your head if you need to, or come and talk to me. My door is always open if you want to discuss your frustrations in a rational, professional manner."
- Outline consequences for future blowups. *Example:* "If you lose your cool again, I will start the disciplinary process."

Cursing Curtis

Problem: An employee swears constantly in routine conversations, and even when he's just "thinking out loud" and talking to himself. He doesn't swear in an angry or harassing way toward co-workers, and he doesn't have contact with the public. He may not even be aware he's doing it.

Solution: The first thing you need to do is make the employee aware that his language is an issue. If he's not aware there's a problem, there's no chance of change.

Swearing doesn't have to result in co-worker harassment or poor public relations in order for you to send out a cease and desist order. If you think his language is a workplace problem, that's all the justification you need to act.

When you address the issue for the first time, approach it as a "heads up" to the worker; don't attack, don't discipline. Let him know what you've observed in terms of his behavior. Explain that the language is

unprofessional and creates an unpleasant work environment that may be offensive to others.

If he needs a "what's in it for me" incentive before making a change, explain how the constant cursing reflects poorly on him and that his language may damage his career when, say, he's gunning for a promotion.

If the employee is not amenable to changing his ways, be prepared for a freedom of speech claim. Don't fall for it! The First Amendment only applies to government employers, not private employers—and that doesn't mean government employees are free to swear as much as they want. Private employers do have a little more freedom to create and enforce rules and policies on workplace behavior. So even though there is no legal precedent for prohibiting swearing in casual conversation (as there is for swearing at customers), you can still prohibit it.

If the employee is being really obstinate, there is a "legal" angle with which you can approach him. Because employers are required by law to prevent harassment in the workplace, if a question ever comes down to an employee's "right" to say whatever he/she wants versus another employee's right to work in a harassment-free workplace, the employer's anti-harassment efforts would win. And you don't need to wait for another employee to complain, because you're expected to take steps if you see or hear potential harassment with your own eyes and ears.