



## Swine Industry Progressive Discipline

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**Progressive Discipline** is a process for dealing with work behavior that does not meet expected and communicated performance standards. The purpose of progressive discipline is to assist the employee in 1) understanding that a problem exists and, 2) that a plan for improvement is in place.

Employees do not want to hear that their performance is being questioned. If after counseling from a farm manager no improvement is noted a written record of meetings and conversations, as well as disciplinary action must begin. Employees are uncomfortable with disciplinary actions such as an employee reprimand. Oftentimes managers are uncomfortable with employee reprimands as well, further complicating an already awkward situation. Employees become uncomfortable when their farm manager tells them their performance warrants a verbal warning, the final step before written disciplinary action begins.

Farm Managers wonder why employees don't just improve their performance as the harshness of the discipline increases. An effective, communicative disciplinary action process should keep the employee informed and accountable every step of the way. Additionally, a written record should be kept outlining actions, meetings, and changes being requested of employee.

### Purpose

From a farm business standpoint, an employee reprimand policy and procedure demonstrates that the farm business is working with the employee to help them improve. At the same time, the farm business is documenting that it is aware of – and not content with - poor employee performance. A written document reprimanding an employee indicates that the employee was informed of their work performance problems and the consequences if they remain uncorrected.

Following the formal letter of reprimand, additional steps may include subsequent letters of reprimand with accompanying penalties. This will depend on the farm business policies as outlined in the employee handbook.

If the farm manager or barn supervisor believes the employee can improve their performance the farm manager or barn supervisor can introduce a performance improvement plan (PIP). A PIP is a detailed document with goals, expectations, and timelines for the employee to use as a guide for improvement. This is the farm managers or barn supervisor's opportunity to communicate clear job and performance expectations to the employee.

Disciplinary action can be a win-win if the employee heeds the message. If the employee does not, the farm business and the farm manager have efficiently protected the farm and the other employees who are performing satisfactorily. The aim is to protect the morale of employee who are performing at or above expected levels. This can also open the lines of

communication between the parties with opportunity for the employee to improve and become a valued member of the team over time.

## Employee Reviews to Provide Motivation

1. Oral reprimand. As soon as a farm manager or barn supervisor perceives an employee's performance problem, they should issue an oral reprimand. The farm manager should keep detailed notes or prepare a memo to file about the conversation, in case further action is necessary.
2. Written reprimand. If the problem persists the farm manager or barn supervisor should provide the employee with a written reprimand detailing the objectionable behavior, along with the consequences. A copy of the memo should be placed in the employee's personnel file. Make sure the employee in question signs a copy to acknowledge receipt.
3. Final written reprimand. If the employee performance does not improve, deliver a final written reprimand to the employee. The final warning should contain copies of the previous reprimands and indicate or list the specific areas in which the employee must improve. Specify the time within which the worker's behavior or performance must be corrected.
4. Termination review. If the problem persists, the farm manager or barn supervisor should notify the proper farm business authority. Someone else in the farm business should evaluate the situation fully. Witnesses are interviewed, and documents are analyzed. The employee is confronted with the facts revealed by the investigation and is given the opportunity to present their side of the story. Before taking any final action the farm business should consider these questions:
  1. Does the employee claim that a contractual relationship exists, if so, does that statement have merit?
  2. Has the employee recently filed a workers' compensation claim, complained to a government agency about alleged workplace violations or taken any other actions that might make a discharge look like unlawful retaliation by the employer?
  3. Is there an issue relating to good faith and fair dealing, especially if the termination involves a long-term employee?

Even if the answer to any of these questions is "Yes," you still can endure a challenge to a firing. But the farm business must be able to prove that the circumstances of the particular case justify the actions.

5. Termination. When the Farm Business decides on termination a letter is sent to the employee. The letter must clearly state the reasons for the dismissal action. This may vary by state and the farm manager and/or farm owner should consult with legal experts prior to termination.

Admittedly, this is a time-consuming process. When an employee is not performing their job satisfactorily, you cannot afford to have them placing the farm business or other workers in jeopardy. On the other hand, if you dismiss a worker and they can prove in court that they were treated unfairly, you could be forced to pay a large settlement or reinstate him.

## Issues

An employee reprimand process and procedure must be fair and used in the same manner each and every time. Farm managers must make certain that they are using the tool properly and that certain conditions exist for its effective use.

- Employee job descriptions must exist for all employees and should clearly identify the performance expectations for which the employee is receiving the reprimand.
- The employee reprimand must be consistent with the disciplinary action process described in the employee handbook.
- Past practices of employee discipline must be consistent with the current employee reprimand.
- The degree or type of disciplinary action taken fits the employee performance issues

An effective employee reprimand is part of a series of disciplinary actions, can help an employee improve their performance and rejoin the ranks of performing employees.

# Components of Letters of Reprimand

Effective letters of reprimand have these components.

- A clear statement of the performance issue that the employee must improve.
- Ways in which the employee can change their performance to comply with performance expectations of the farm.
- Impact of the employee has on the farm business success.
- Timeline in which the employee must improve their performance.
- Date when the employee performance will be re-evaluated.
- Clear statement about the consequences an employee can expect if performance fails to improve as described.
- Signature of the farm manager and barn supervisor of the employee.
- Signature of the employee whose performance is the focus of the reprimand letter.
- Opportunity for the employee to object, in writing, to the contents of the reprimand letter.

## Performance Improvement Plan

The Performance Improvement Plan (PIP) is designed to facilitate discussion between an employee and their farm manager or barn supervisor and to explain the work performance to be improved.

A PIP implemented when it becomes necessary to help an employee improve their work performance. The barn supervisor, with input from the employee, develops an improvement plan; the purpose of the activities are to help the employee attain the desired level of work performance.

It is recommended that before a PIP is formally put into action the farm manager and barn supervisor review the plan. This will ensure consistent and fair treatment of employees across the farm business. The barn supervisor will monitor and provide feedback to the employee regarding their performance on the PIP and may take additional disciplinary action, if warranted.

The supervisor should review the following six items with the employee when using the document.

1. State performance to be improved; be specific and cite examples.
2. State the level of work performance expectation and that it must be performed on a consistent basis.
3. Identify and specify the support and resources you will provide to assist the employee.
4. Communicate your plan for providing feedback to the employee. Specify meeting times, with whom and how often. Specify the measurements you will consider in evaluating progress.
5. Specify possible consequences if performance standards are not met.
6. Provide sources of additional information such as the Employee Handbook.

The following form allows the farm business to document the commitment to performance improvement.

Employee Name: \_\_\_\_\_

Title: \_\_\_\_\_

Department/Division: \_\_\_\_\_

Date: \_\_\_\_\_

Work performance in need of improvement: (List the goals and activities the employee will pledge to improve performance in. Include skill development and changes needed to meet work performance expectations.)

Targeted date for improvement: \_\_\_\_\_

Expected results - list measurements, where possible: \_\_\_\_\_

Dates to review progress by the employee and barn supervisor: \_\_\_\_\_

Progress at review dates: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Barn Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Assisting the Employee

The following steps can be used to effectively assist the employee to improve performance. Additionally this has the potential of assisting the farm and farm management in improving throughout the process.

- Show confidence in the employee's ability and willingness to solve the problem. Ask them to help in solving the problem.
- Describe the performance problem. Focus on the problem or behavior that needs improvement, not the person.
- Determine whether issues exist that limit the employee's ability to perform the task or accomplish the objective.
- Discuss potential solutions to the problem or improvement actions to take.
- Agree on a written action plan that lists what the employee, barn supervisor, and farm manager will do to correct the problem or improve the situation.
- Set a date and time for follow-up.
- Offer positive encouragement.
- Express confidence in the employee's ability to improve.

## Employee Personnel File

The verbal reprimand is generally followed, in disciplinary action procedures, by a written verbal reprimand that begins the documentation of disciplinary action in the employee's personnel file. The written verbal reprimand provides the beginning of the documentation necessary for a farm business to terminate an employee. If an employee's work performance fails to improve during a series of disciplinary action steps, the employer has legally documented the steps taken to help an employee improve and retain employment. The employer has also demonstrated that they took the necessary action to help an employee improve and that subsequent disciplinary action was not arbitrary.

A farm manager or barn supervisor cannot communicate to other staff that any disciplinary action took place. The most they should ever say is that they are addressing the situation outlined in the employee handbook. Mainly that the farm manager is working to create an environment in which people feel problems and issues are addressed without violating the confidentiality of any employee.