

Discipline and Motivation Case Studies

How would you apply the information discussed in the chapter to each of the following cases?

CASE 1: JURY DUTY

Kathy Gath walked into the pharmacy and gave the pharmacy manager, Jill Miles, a big smile and greeting.

"Why are you here?" Miles asked.

"I'm here to work," Gath said nervously.

"Not after your absence yesterday, you don't. You skipped an entire day's work," said Miles.

"I was at jury duty. I was in court all day. You knew that," Gath said.

"No," said Miles. "I knew nothing of the sort, and I can't read your mind."

"I'm telling you the truth," Gath said.

"You can't just skip work, and then cry jury duty," said Miles.

"Jury duty's a legitimate excuse," argued Gath.

"You know the policy. If you receive a notice in the mail, you're supposed to tell me the minute it comes, so I can schedule someone else for your hours. Your irresponsibility caused a lot of problems," explained Miles.

The two continued to argue, with neither changing her position. Miles terminated Gath's employment.

Gath returned to court the next day and told a judge that she'd been fired because she'd reported to jury duty.

Question:

What would the employer need to show to emerge victorious? In other words what advice do you have for making employment decisions related to absenteeism?

CASE 2: JUST CAUSE

"I've worked here four years without a complaint, and now you tell me I'm fired," Sue exclaimed.

"Your work has always been okay, Sue," her manager told her. "Never good enough to get a promotion or bad enough to deserve a warning. But I need people who are capable of growing. You've been working at the same performance level for the past two years."

"Don't you think you should have told me that you weren't happy with my performance? If it was so poor, why have I received salary increases each year?"

"I never used the term 'poor,'" the manager said. "It's just that I think you are capable of so much more."

"I still think you're firing me without a good reason," Sue said.

"Employment-at-will gives you the right to quit and it gives me the right to fire you - at any time - for any reason."

Later, Sue spoke to an attorney. "What about what it says in the employee handbook? Here's the section I'm talking about," Sue said. She handed the employee handbook to her attorney. "It states that an employee can only be fired for just cause and only after the disciplinary procedure has been followed. Then if you turn to discipline, it spells out a four-step process: oral warning, written warning, suspension, and discharge."

"It certainly seems clear enough," the attorney said. "You never received any warnings of any kind about your performance?"

"Not until last Friday when my manager said I was fired. Even then she wasn't overly critical. She just said she felt I wasn't working to my ability."

The company attorney argued that it did not need a reason for terminating the employee, citing the employment at-will principle.

The court, on the other hand, decided that the employer did indeed need a reason, citing the disciplinary policy which said the employee would be discharged for "just cause" only. Since the employer had written and distributed the handbook, the employee had every reason to believe that the policies in it would be observed.

Question:

What could the employer have included in the handbook that would probably have kept this case from going to court?

CASE 3: INSUBORDINATION

"I don't care who's scheduled for vacation or what the problem is," Bob said. "I planned on taking my wife to a concert tonight and that's that. I would have enjoyed a little overtime to pay off my debts after the holiday season. But you never seemed to offer it then. Now, suddenly, I'm your only solution."

"I'm not going to get in an argument over this, Bob," the supervisor said. "Company policy says I have to give you three hours notice for an overtime assignment. I'm giving you six. If you don't work, you'll be able to go to concerts every night, if you get my meaning."

"Bob's career here was finished when he walked out that door at five o'clock yesterday," the supervisor said later to the personnel manager. "He was entitled to three hours overtime notice, and I gave him six."

"Bob phoned me this morning," the personnel manager said. "He's having some second thoughts about his behavior yesterday. He also claims that you only provide him with opportunities for overtime if you can't get anybody else. I looked at the payroll records, and it does seem that he gets a lot less overtime than anyone else in your department."

"I usually go to him last because he complains every time I ask him to work overtime. When he needs money, he'll come to me and ask to work overtime. I don't believe it should work that way. I think overtime should go to the people who accept it without complaining. I didn't fire Bob-- he fired himself when he refused that overtime assignment."

"Ordinarily I'd agree with you," the personnel manager said. "But we have another policy here called progressive discipline."

A supervisor has the right to expect every employee to work overtime when necessary. An employee who refuses to comply should be subject to discipline, up to and including discharge. But this supervisor took the easy way out.

Questions:

If the supervisor had followed a plan of progressive discipline from the beginning what steps would have been included?

Given the fact that progressive discipline had not been followed previously, what disciplinary action do you recommend be used now?

CASE 4: AGE DISCRIMINATION

"Age discrimination? You're wrong! I did not fire you because of your age," the supervisor said. "For months you have received warnings to improve your productivity and lower your error rate."

"I knew you were disappointed with my work lately," replied the employee. "But you never said that my job was threatened. Anyway, I never received a final warning. I thought the policy was that you give a final warning before you terminate me."

This 60 year old employee was replaced by a younger person. The employee goes to the EEOC and claims, "I wasn't given sufficient warning."

"His termination was not due to his age," the company told an EEOC investigator. "The decision was made on the basis of his performance alone, and he was given numerous warnings that it had to improve."

Question:

What additional evidence should the company be able to provide to establish that the employee was well informed of the problem?

CASE 5: FINE PRINT

"The term "permanent employee" simply means that an employee is no longer considered probationary. The term 'permanent employee,' is not a promise of lifetime employment, Kelly. The facts are simple. You've been with us a year, and your performance is poor," explained her supervisor.

"But the employee handbook says that if I'm on the payroll for 90 days, I'm considered a permanent employee," argued Kelly.

"I repeat, "permanent" only means the probationary period is over, said the supervisor. "Did you happen to read this in the handbook: 'You may be terminated at any time, with or without cause, at the sole discretion and option of the company'?"

Kelly looked at the statement and squinted. "I never saw that statement because the print is so small. That's simply not fair."

Eventually, a judge ruled in favor of the employee.

Question:

What specific recommendations do you make for placement of disclaimers by employers?