

2015 California HR Conference

Situational Executive Coaching: How Do You Coach to “Normal?”

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And Author of . . .

- *101 Tough Conversations to Have with Employees: A Manager's Guide to Performance, Conduct, and Discipline Challenges*
- *101 Sample Write-Ups for Documenting Employee Performance Problems: A Guide to Progressive Discipline and Termination*
- *96 Great Interview Questions to Ask Before You Hire*
- *2600 Phrases for Effective Performance Reviews*

Books (cont.)

- *2600 Phrases for Setting Effective Performance Goals*
- *The Performance Appraisal Toolkit
(approved for HRCI credit)*

And coming in the spring of 2016 . . .

- *101 Ways for Managers to Hire, Develop,
and Keep Great Employees*

Scenarios

- Yellers and screamers
- Clueless individuals lacking self-awareness
- Arrogant and condescending leaders
- Politically incorrect and opinionated executives
- Execs who avoid confrontation and want to be everyone's friend

The Rules of Engagement

- Each to his own without judgment
- What you want for yourself, give to another
- Change your perspective and you'll change your perception

Rules (cont.)

- It's not what you say but *how* you say it
- Put others' needs ahead of your own by treating them with dignity and respect, and expect them to respond in kind
- The path of least resistance is avoidance

Rules (cont.)

- Perception is reality until proven otherwise
- Feelings aren't right or wrong – they just are
- Holding people accountable for their own “perception management” is key

The Golden Rule of Enlightened Leadership

- A key tenet of adult learning theory is:

Allow people to **assume responsibility** for their actions, and you'll “pierce their heart” and get them to want to change things for themselves.

Senior Execs are a Different Breed of Cat

- Proceed with caution when dealing with errant leaders and their toxic behaviors
- Look at turnover, “Open Door” anonymous complaints, leaves of absence and WC claims, lawsuits, exit interview data, and union organizing threats as evidence of substandard leadership
- Perception: Why won't the company do anything?

Structuring Your Intervention

- Line up and align the necessary parties in advance
- For example, for complaints about a VP, gain the SVP's approval so that HR and the SVP can partner to address the VP
- Agree on your approach to the meeting

Opening the Meeting

- **SVP's opener:** “John, I called you into this meeting with Paul from HR to discuss new and ongoing complaints we've had about your conduct toward members of your team
- “I'll allow Paul to go into details in terms of what he's heard and what he's brought to my attention. . .”

Opening the Meeting (cont.)

- **HR's pick-up:** “John, there’ve been a number of issues that have come to my attention in terms of how you’re conducting business with certain members of your team . . .
- “I spoke with (SVP and your supervisor) Mark, and he agrees we need address this once and for all and stop the roller coaster.”

Raising Allegations

- “Specifically, I’ve heard from a number of people on your team—who wish to remain nameless—who described your behavior as aggressive, confrontational, and condescending.
- “You’ve been quoted as calling members of your team ‘f-ing idiots’ and ‘morons,’ and have also engaged in what are known as public shaming and humiliation sessions in front of the rest of the team.”

Deeper Dive

- “Before I go further and list examples, do these overall accusations appear to be legitimate and, if so, could you understand why we’re clearly concerned?” [Yeah, I guess . . .]
- “Okay then, specifically what I’ve heard is that on one occasion you . . . On a separate occasion, you . . .” How accurate are these descriptions? [They’re accurate enough . . .]

The Key Query

- “Is there any justification in your mind as to why you might have addressed your people this way? Is there anything you could say to somehow exonerate yourself under the circumstances or help us understand your side of the story?”
- [Well yeah, my people are idiots and they don't use their heads to think about what they're doing . . .]

Going on the Offense

“Wait, Jim, you’re not hearing me. You’re going on the offensive right now when you should be playing defense. This isn’t about you any longer – it’s about your coworkers and our company.”

Company Liability

- “When someone puts us on notice that they’re no longer comfortable with the curses and diatribes that arguably become “pervasive” in the workplace, then *the whole company* is placed on notice. At that point, we no longer have the discretion to ignore what’s going on.
- “In fact, if we do, we could have a hostile work environment claim levied at us, and that could have some serious implications against you personally.”

Personal Liability

- “Let me take a few minutes to explain this because most executives don’t realize this (or at least they’ve never been told). . .
- “*Managerial bad acts* is a legal concept where the leader is deemed to be working ‘outside the course and scope of his employment.’
- “As such, the individual could be sued separately and apart from the company.”

Personal Liability (cont.)

- “Here’s how it works: The company and the individual leader are both named in the lawsuit. But in cases where the manager is deemed to be acting outside the course and scope of his employment, the company typically sits back and says, ‘Your Honor, please don’t sue us – *sue him.*’”

Personal Liability (cont.)

- “We were a good corporate citizen and did everything we could to train this VP and raise his awareness about his behavior, while setting our corporate expectations down in the company’s code of conduct and also respect in the workplace policy.
- “As you could see, Mr. Smith received these documents and signed off on them.”

Personal Liability (cont.)

- “Further, he attended respect in the workplace and anti-harassment / anti-bullying training on the following dates: X, Y, and Z.
- “In each instance, he assumed responsibility for his actions and confirmed that he understood the company’s policies and expectations as a leader and employee.”

The Close (cont.)

- “Now this is the painful part: This is where the company backs off and respectfully recommends that the court aim its sites on the individual rather than the corporation.
- “And what most executives don’t realize is that in most states, they can be sued for up to \$50,000 of their own money for engaging in so-called ‘managerial bad acts.’”

The Close (cont.)

- “Unfortunately, though, that’s not the case here: In California, there’s **no cap**.
- “You could be sued for an unlimited amount, and if you didn’t understand that coming out of this meeting today, then I wouldn’t be doing you a service as your HR person because I’d never want you to find out about this *unlimited liability* only at the time of a lawsuit.”

The Close (cont.)

- “The bottom line is, They don’t pay you enough to risk everything you own on this type of liability because you can’t or won’t control your temper.
- “If you’re doing this behind HR’s back or behind management’s back, it’ll only be a matter of time before you’re caught in a snare or otherwise step on a landmine that you didn’t even see coming. . .”

The Close (cont.)

- “If you don’t care about company liability, then you should at least care about your own.
- “Plaintiff attorneys will look at you as a pretty juicy target yourself. How much do you make: \$2 - \$300K? Do you own a home? How about an investment property? You probably qualify as a ‘high net worth’ individual: How much are you willing to place at risk?”

The Lesson

- “The lesson, John, is that you need to run, not walk, to my office when you’re having a problem with someone on your team or you sense an employee may be planning a preemptive strike against you.
- “You need to hold me close—not push me away, because I’m your critical ally in this game of lawsuits and personal liability.”

The Lesson (cont.)

- “And I could help you navigate the rapids of leadership within our company.
- “Most important, I could help you reinvent your relationship with your people.”

The Lesson (cont.)

- “We could go from ‘difficult VP’ to ‘committed leader’ overnight. All you have to do is change your sponsoring thought about who you are and who you want to be.
- “Your people deserve that. That’s the kind of company we want to be, and that’s what our expectations are.”

The Lesson (cont.)

- **The Hand-Back to Senior Management:** “Mark (SVP), does this sound consistent with what we discussed? Am I explaining your expectations the right way in terms of what you wanted to communicate to John?”
- SVP’s response: “Yeah, Paul, you hit the nail on the head. John, we can’t keep hearing these kinds of complaints because . . .”

Appeals

You can appeal to:

- The company's desire to ensure a friendly work environment to all
- Corporate liability for failing to shield workers from managerial hostility
- Your wish to create a friendly and inclusive culture where people can do their best work every day

Appeals (cont.)

- But appealing to the errant leader's *pocketbook* will likely garner the most impactful results
- After all, most leaders don't realize that personal liability can be assigned for managerial bad acts
- The \$50,000 price tag makes it concrete in their minds, but the "unlimited cap" in California makes this the most important meeting of the year for them.

Eliminating Foul Language

- “Further, John, I understand that you use the F-word fairly regularly.
- “I need a commitment from you right here and right now that this will stop immediately and that we’ll never have to address this again with you.”

Foul Language (cont.)

- “The f-word has books written about it in the annals of U.S. employment law in terms of how it’s used and viewed in the workplace, but when a leader uses it ‘at whim’—especially ‘at’ subordinates as a weapon of sorts, then how it’s interpreted in the courtroom becomes a whole new game. In short, all your employees will serve as witnesses against you, strengthening a plaintiff’s assertion of your hostility toward them based on the simple and repetitive use of that word.”

Foul Language (cont.)

- “Don’t set yourself up as low-hanging fruit for plaintiff attorneys by wielding the f-word around in front of your staffers (i.e., witnesses). It’s a rookie mistake that could cost you dearly.”
- “Do we have your commitment?” [Yes]

Healing the Wound

- “Look, John, I’ll make a commitment to you right here and now that as your HR guy, I’ll be there to help you when you run into problems with your people.
- “I understand that the team—or at least individual members of it—may have their weaknesses and disappoint you. But let’s partner together on this the right way so you can give me a chance to have your back. I’ll do that, but only if you’ll invite me.”
[Okay]

Healing (cont.)

- “Good. You got it. Just one other thing. . .
- “Employees who are suddenly having trouble keeping up, are receiving some kind of disciplinary action or failing their annual review, may engage in what we call a ‘preemptive strike.’”

Foul Language (cont.)

- “That means that before you have an opportunity to further discipline or terminate them for substandard *job performance*, they’ll come to HR and complain about your *conduct*.”
- “If you ever sense that someone may be looking to launch a preemptive strike against you, then you’ve got to inform me ASAP and partner with me immediately. Fair ask?” [Yes]

The Closer

- “Then there’s only one additional thing to cover here: Mark [SVP], what should we do if this issue rears its ugly head again. What should be our response?”
- Mark [SVP]: “I don’t know—that’s a good question Paul. John, what do you think our response should be?”

The Closer (cont.)

- John: “I don’t know what your response will need to look like, but I hear you both and will commit to changing my behavior. I wasn’t aware of the financial implications involved with this, and you’re right – I’m not going to risk my savings and my mortgage on some kind of lawsuit that I can’t defend. I’ve got it. . .”

Post Mortem Tips

- “John, you’ve got a real **perception problem** on your hands. They say that perception is reality until proven otherwise, and people are simply assuming bad intentions when dealing with you. In fact, your actions yesterday are very much now part of everyone’s reality—perception issues aside.”

Tips (cont.)

- “We’re holding you fully accountable for your own **perception management** from this point forward.
- “In other words, regardless of your intentions or how you think others may be receiving your message, you’ve got to raise your awareness level about how you’re coming across.”

Tips (cont.)

- You no longer have the discretion to fly off the handle or enter into public diatribes about your entire team or individuals on your team, especially using that kind of language.
- “Is that a fair request on our part?” [Yes]

Tips (cont.)—Harder

- “If you really feel you can’t accommodate our request, *then you may have to make an employment decision*: In other words, if you can’t or won’t agree to this at this point, you’ll either have to resign or realize you’ll be terminated for cause should this occur again.”

Tips (cont.)—Softer

- “John, we want you to be successful here. We’re having this meeting to confirm for you that you’re a valued and key member of our company’s leadership team, but that this sort of conduct has to stop.
- “We want you to think about options and resources that may be helpful, including an executive coach.

Tips (cont.)

- “If you feel you would benefit from having one-on-one guidance from an external expert who could help you navigate through these types of situations, especially when you’re feeling frustrated, let us know.”
- “We also have the EAP that can help you through some of this on a confidential level if you’d like to access that resource.”

Tips (cont.)

- “Likewise, if there are other resources—education, headcount, or otherwise—that you feel are necessary at this point to relieve some of your stress and pressure, we’d like to hear about them. You tell us what will help, and we’ll do our best to accommodate.”
- “But we can only help with what we’re aware of and what you’ll make known to us. . . .”

Additional Resources

- *101 Tough Conversations to Have with Employees: A Manager's Guide to Addressing Performance, Conduct, and Disciplinary Challenges (AMACOM)*
- *Crucial Conversations: Tools for Talking When Stakes are High (McGraw-Hill)*
- *Difficult Conversations: How to Discuss What Matters Most (Penguin)*

Q&A

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