

## Customer Service Performance Standard: When is it Performance and When is it Conduct?

Does this scenario sound familiar? A supervisor asks to meet with you because he needs advice about a disciplinary action he wants to propose against a bargaining unit Title 5 employee who was rude to a patient. Depending on the egregiousness of the conduct, and whether or not the employee has any prior discipline, you recommend an appropriate range of possible disciplinary actions. The supervisor decides to propose a Reprimand, the employee is given due process, a decision letter is issued upholding the Reprimand, and the action is ultimately filed away in the employee's electronic official personnel folder (eOPF). Simple enough right? A couple of months later, as the supervisor is preparing to hold a discussion and document the employee's performance progress review, he comes to you again for advice because he wants to rate the employee less than fully successful, and start the performance improvement plan (PIP) process. Being the astute Employee Relations Specialist that you are, you ask which critical element the employee is failing. The supervisor tells you the employee's performance plan contains a critical element, "Communication," and that the required performance standard of Customer Service is contained within that element. He states the employee is failing the critical element because he received a Reprimand for being rude to a patient. Now what do you advise? Is it really a performance issue? Or has it already been addressed in the conduct arena? Can it be addressed in both areas?

Before we go any further, let's review what the policy says about including a mandatory customer service standard in all performance plans. VA Handbook 5013, Part I, paragraph 6 g states, "Performance plans must include standard(s) that address customer service." Policy does not require that customer service be identified as either a critical or noncritical element. Policy only requires that customer service be addressed as a performance standard. In other words, the customer service standard can fall under any critical or noncritical element as one of the standards used to make up that particular element.

Going back to our scenario, it would seem on the surface that the situation is obviously a conduct issue because it has already been addressed by the employee receiving a Reprimand. However, the supervisor insists he can't rate the employee fully successful because he was rude to a patient, issued disciplinary action for it, and that one of his critical elements contains a standard that states he must provide professional and courteous customer service. In reviewing the employee's performance plan, you find it is worded as follows:

### Communication (Critical Element)

*Provides well-researched, documented, consistent, and accurate advice to customers/patients, and offers solutions as appropriate.*

*Provides assistance and/or answers questions from customers/patients to ensure accurate information is provided or referred to an individual with knowledge to assist.*

*Effectively communicates with coworkers during ongoing assignments or special projects. Demonstrates an understanding of team dynamics including the ability to plan, organize, and cooperate to ensure tasks are completed.*

*Provides professional and courteous customer service.*

The last performance standard contained within this critical element states that the employee must provide professional and courteous customer service. Being rude to a patient is certainly not professional or courteous; however, the performance standard regarding the employee being professional and courteous should not have been included in the performance plan because it implies that the supervisor views being professional and courteous as performance as opposed to conduct. It's going to be difficult to salvage the supervisor's options at this point, because the employee has already been issued a Reprimand for his misconduct, and the progress review is going to have to be marked either Fully Successful or Needs Improvement, and if it is marked Needs Improvement, the employee will need to be placed on a