

# **EVIDENCE OF REDEPTIVE MANAGER BEHAVIORS IN SUCCESSFULLY REINSTATING TERMINATED WORKERS**

## **Paper Presentation**

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### **ABSTRACT**

The view of the Reformed faith is strongly in favor of redemption as it is expressed through restoration (Plantinga, 2002). This concept of restoration is nowhere more clearly demonstrated in management practice than in the reinstatement of employees terminated for cause. It appears that no research has been conducted assessing the impact of the manager's leadership behaviors on post-reinstatement employees. This research focused on identifying redemptive managerial behaviors most often observed in the successful reinstatement of employees previously terminated for cause. Twelve managers were interviewed and results were analyzed using a grounded theory methodology drawing emergent conclusions from the data.

### **INTRODUCTION**

#### **Context for the Present Research**

In the workplace, employee discipline programs seek to "redeem" or restore terminal employee behavior towards compliance with corporate culture and organizational norms for success on the job. Conventional approaches for handling terminal employee behavior recommend that managers talk to their subordinates about the problem behavior first (Yukl, 2002). If this approach is not initially effective, the manager generally follows three recommended paths: pursue progressive discipline with the employee up to and including termination should the behavior not be redirected; reassign the employee; or dismiss the employee outright if they are an "at-will" employee (Termination Procedures, 2005).

In the past employee reinstatement after termination was a rare occurrence (Darnay, Magee, and Hillstrom, 2007). Whether due to negative cultural mores or prohibitive employment policies the practice of employee reinstatement was discouraged, and terminated employees would therefore seek success in another position at another firm (Darnay, Magee, and Hillstrom, 2007).

But this practice of separation from one job and then seeking employments elsewhere is changing, as employers are not as free to dismiss workers "at-will" while employees attempt to maintain employment and seek due process in terminations (Hill, 1997). In unionized work environments, according to Ponak (1991), arbitrators reinstated and/or modified discharged employee penalties in over 50 per cent of the cases heard (Ponak, 1991).

In cases where an employee has violated company standards and been terminated, there are then several avenues by which the employee may seek reinstatement, including through a Last Chance Agreement as result of a negotiated settlement to reinstate a terminated employee (Peterson, 1997), or as a remedy in a discharge case when invoked by an employer or by an

arbitrator (Bamberger and Donahue, 1999), or following an employee's participation in a treatment program where the employee's terminal behavior was linked to substance abuse or the employee's response to circumstance outside of the workplace (Atkinson, 2001).

Research on successful reintegration of terminated employees has identified a series of variables as predictive of the future success of reinstated employees. Yet in reviewing some eighteen studies on the topic these variables did not consistently predict under what circumstances a reinstated employee would find success upon reinstatement. For example, Rodgers, Helburn and Hunter (1986) in their research found that studies of job performance after reinstatement have shown contradictory results with reference to the effect of seniority on reinstatement success (Rodgers, Helburn and Hunter, 1986). According to Bamberger and Donahue (1999), the findings of studies examining the impact of discharge on employees' post-reinstatement behavior are often inconsistent and conclusions are often hard to draw due to sampling and study design problems (Newhams & McDermott, 1971; also Beyer & Trice, 1984; as cited by Bamberger & Donahue, 1999). Only four studies out of the eighteen examined were able to identify a small number of employees who actually performed better after termination and reinstatement (Jones, 1961; Newhams and McDermott, 1971; Gold, Dennis, and Graham, 1978). The main focus in the case of all these studies was the effectiveness of reinstatement based on terminated employee characteristics. The following table presents a chart summarizing the major methods used for employee reinstatement.

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## The Problem Statement

It appears that no research has been conducted assessing the impact of the manager's leadership behaviors on post-reinstatement employees. According to Banks and Stevens (1997), the manager's role is perceived to be one with a "sacred responsibility" towards their employee, to competently manage and train their people for success (Banks & Stevens, 1997). It is the manager's role and greatest challenge to achieve optimum performance from all his/her people, and challenging their employees towards a higher level of performance is a critical part of a manager's job (Furnham, 2002). Is there evidence that there are behaviors or actions taken by the manager that aid in the successful reinstatement of rehired terminated employees?

## Terminal Employee Behavior and Reinstatement

According to Aquino, Lewis and Bradfield (1999), aberrant, non-compliant behavior (called "deviant" behavior by these authors) is common in organizations. These authors cite a study indicating that as many as 75% of employees have engaged in some form of theft, fraud, embezzlement, vandalism, sabotage, and unexcused absenteeism or otherwise harmed their employer (Harper, 1990; Hayes 2008).

In cases where "second chances" are given prior to termination as a part of the employee discipline program, various positive and progressive discipline programs offer pre-termination practices such as a performance improvement plan, an unpaid suspension or "Day of Decision"

for the employee to consider the consequences of unchanged behavior (Gibson, Cotterman, and Johnson, 2006).

But now a more complex set of variables are introduced: the employee has violated company standards and been terminated. There are times when the employee challenges the involuntary termination and is able to find sufficient support for reinstatement either an arbitrated reinstatement after appeal or a mediated settlement as an alternative to litigation or arbitration. In some of these cases, terminated employees have been reinstated to theirs or similar positions in the organization. These “reinstatements” generally occur as a result of an employee satisfactorily completing some requirement such as an employee assistance program, fulfillment of a last chance agreement or suspension from which employees receive counsel or support to consider their commitment to the employment relationship prior to reinstatement (Bamberger and Donahue, 1999).

The goal of the research was to identify those “redemptive” managerial behaviors which most often lead to successful reintegration and improved performance by previously discharged employees. Some measure of the success of the reinstatement would be defined as employees who return and remain with the firm for a period of six months or longer and demonstrate the same or an improved level of performance as observed by the manager, such as higher work attendance rate; reduced or non-repeating absenteeism; lower turnover rates and positive productivity.

### The Concept of Redemption as Applied to the Workplace

Our knowledge of redemption is contextualized in the redemptive work of Christ on the cross, and the expression of this transformed life as represented in congregational life in a church setting, or a personal interaction when seeking restoration among individuals. So then how might this process be aligned with a person who having been given several opportunities has been terminated from their place of employment, but is now reinstated? The Reformed worldview is unique in its protestation that the redemptive work of God means a restoration of an original good kingdom and the workings of His disciples here on earth should reflect this (Plantinga, 2002). Plantinga continues the thought, by declaring that, in the Reformed viewpoint, God isn't content to just save souls. God wants to save and restore individual activities, and social systems, and economic structures (Plantinga, 2002). This gives strong impetus to the Christian leader, whether clergy or business manager, to feel strongly about pursuing a management philosophy of addressing behavioral problems of individuals whom have messed up and lost their jobs, but are now given the opportunity for reinstatement.

The motivation for managers to seek the reinstated of terminated employees may well be more than altruistic. The cost-benefits of reinstating terminated employees using a method such as a Last Chance Agreement (LCA) are highlighted in the Bamberger and Donahue research (1999). Bamberger and Donahue (1999) stated that the cost-benefits of LCAs included reduced costs related to grievance and arbitration avoidance (for both union and management), as well as more efficiency in the adjudication of discipline, and the minimizing of the costly revolving door of employees using substance abuse treatment as a means of avoiding more serious disciplinary actions (Bamberger and Donahue, 1999). This author would suggest there is additional cost savings in returning an employee back to work who is familiar with their job as compared to the cost of hiring and training a new employee to take the place of the terminated one. One organization was highlighted in a previous research paper as having a strategy in place actively

offering opportunities for employees previously terminated for cause to be restored to their former status, due to the cost savings recognized in not having to retrain workers (Bucci, 2011).

Bamberger and Donahue's (1999) results confirm those of Keaton and Yamatani (1993), suggesting that LCA-based corrective discipline strategies may indeed be effective in helping the majority of discharged workers return to work and to remain effective, rule-abiding employees, at least in the short term. The use of LCAs is one redemptive management method demonstrated as cost-effective.

## THEORETICAL FRAMEWORK AND LITERATURE REVIEW

### Building the Theoretical Framework for the Research

It appears from an overview of the empirical research that the streams of research from which to build the theoretical framework for the study would consist of three sources: first, there is the issue of management support and any evidence of bias in viewing employee performance through the lens of manager attribution theory (Ball, Trevino & Sims, 1992). Secondly, there is the developing research on restorative justice theory and its broader application beyond the criminal justice environment into the work environment (Bamberger and Donahue, 1999). Finally there is the Biblical concept of redemption, and whether there can be some application of this concept in a practical way in the demonstration of management behaviors with reinstated employees. In simple terms, the three streams of research view the issue of employee reinstatement from three different perspectives: the role and influence of the manager, the support and response of the organization including the workgroup, and finally the process by which the reinstatement occurs.

In the part of the literature review discussing attribution theory, the researcher noted that some of the key questions to be asked of the manager in the reinstatement should concern the manager's feelings regarding the employee's reinstatement, in order to discover any inherent attributional bias by the managers charged with managing reinstated employees, perhaps due to a previous bad experience with the terminated employee. Another important question from an attributional perspective would be whether the manager was challenged in changing or adjusting their behaviors, due to fact that this employee had previously been disciplined and terminated and was now reinstated. There were also previously mentioned in this research how employers deeply resented reinstatement orders (Williams and Taras, 2000; Malinowski, 1981). Were there observable managerial behaviors related to attribution; and was the manager successful in the reinstatement of the terminated employee?

In the part of the literature review discussing restorative justice, the researcher noted that several questions to be part of the reinstatement interviews could ask how the manager considered the effect of the reinstatement on the workgroup; and any restoring of trust or reparation on the part of the reinstated employee as facilitated by the manager. There could also be questions related to their perception in the reinstatement as to whether justice was served, their support of the reinstatement initiative, and any direct social support to the employee by the manager. Were there observable managerial behaviors related to restorative justice; and was the manager successful in the reinstatement of the terminated employee?

Finally, in the part of the literature review discussing redemption and restoration, the researcher noted that several of the questions to be asked in the reinstatement interviews should consider this process of redemptive restoration as it appears in the reinstatement: the healing of

any breaches in a relationship (similar to the restorative justice approach); the efforts of the manager to restore the reinstated employee to profitable service to the organization; the release of the reinstated employee from past actions to a fresh start; the conformance of the reinstated employee to the expectations and rules of the organization; and all of this as applied to the workplace. Were there observable managerial behaviors related to redemption and restoration; and was the manager successful in the reinstatement of the terminated employee?

On the following page is pictured the theoretical framework and the streams of research from which it was developed.

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## RESEARCH METHODOLOGY

### A Review of the Research Methodology

Prior to the start of this project, the researcher had not yet identified any studies specifically documenting the management behaviors in practice working with reinstated employees. Therefore, it was determined that a qualitative research approach using a grounded theory methodology (Glaser and Strauss, 1967) would be the best design for the study.

As described by Glaser and Strauss (1967), and later Strauss and Corbin (1998), Grounded Theory describes theoretical formulations that are closely grounded in raw data, which is usually text of some form (Larsson, et. al., 2006). A grounded theory is inductively derived from the study of the phenomenon it represents, and this is most appropriate in evaluating a leadership process (Parry, 1998). Grounded theory seeks to involve itself in the content and situation of what is being studied (Douglas, 2004). Emergent conclusions highlight theoretical explanations of human behavior within the context of a systematic research approach (Douglas, 2004).

The focus group selected for the study was managers who had been involved with the reinstatement of employees terminated for cause. Managers were pre-qualified as having several years of experience in managerial roles, having taken employees through the organization's discipline or performance management process, having had experience with terminating employees for cause, and then having gone through the reinstatement process. Managers also needed to have the authority to terminate and then to rehire or reinstate employees.

The ideal participant was a manager who was employed in an organization where, within their reporting structure, they had employees who had been disciplined, and then terminated for cause; in other words, for not performing to the established standard either by omission (not trying to meet standard) or by commission (deliberately violating the standard). But after a period of time the company in which this manager worked agreed to take back the terminated employee and give them a "second chance" to perform to the standard, and this manager was involved in the decision-making process for the reinstatement.

Once the employee was reinstated, the success of the reinstatement was determined to be whether the reinstated employee remained with the firm for a period of at least six months and exhibited the same or an improved level of performance as observed by the manager. In this

context, the managers described in detail their specific management behaviors and their role in the reinstatement process (Kirby, King and Paradise, 1992).

### A Summary of the Interview Results

Twelve managers from ten different organizations were interviewed. The organizations ranged in size from twenty employees to some two hundred thousand employees, although the work groups from which the particular employee cases were drawn averaged in size at about 40 employees. Demographic and psychographic data is presented below describing details about the organizations in which the managers worked to give greater context to the data recorded. The table on the following page gives a summary of the managers and their organizations.

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There were twenty-one employee reinstatement cases reviewed in interviews with the twelve managers. Five of the ten organizations from which managers were interviewed had only one case analyzed, even if other cases occurred after the interview. The other five organizations provided the remaining sixteen cases studied, with one organization alone having eight cases studied.

Ten of the twenty-one employees in the cases reviewed were originally terminated for attendance reasons, which was the largest reason identified for the initial termination for cause (48% of total). This was followed by performance (29% of total); theft (14% of total); and finally violations of company policies (one was a drug policy; the other insubordination with poor language).

Of the twenty-one cases, thirteen cases met the minimum stated criteria for inclusion in the study, as previously identified: the case documented the circumstances where an employee had been disciplined, and then terminated for cause. Then after a period of time the company agreed to take back the terminated employee and give them a “second chance” to perform to the required standard. Once the employee was reinstated, in order for the case to be considered, the reinstated employee needed to remain with the firm for a minimum of six months or longer and exhibit the same or an improved level of performance, as observed by the manager.

Of the thirteen employees successfully reinstated, six of the employees returned to the organization and, according to the manager, exhibited the same performance they had prior to their termination. For seven of the employees who were successfully reinstated, after they returned to the organization they exhibited improved or much improved performance, as observed by the manager. The research criteria did not require a specific measure of improvement but only a report by the manager as to whether the employee exhibited the same or improved performance.

### An Overview of the Data Analysis Process

The basic philosophy behind the grounded theory methodology is that once the research data is collected (in this case, the transcripts of the manager interviews), the researcher then reviews this data to discover or label variables (called categories, concepts and properties) and

their interrelationships (Borgatti, 1996). The systematic review, organizing and categorizing of the data is called coding (Borgatti, 1996).

According to the literature, the first level of coding recommended by Strauss and Glaser (1967) was described as "open coding." Data was imported into the NVivo software and the process for data collection documented. Full transcripts of interviews were examined to identify the interviewees' descriptions of thought patterns, feelings, and actions related to the leaders' behaviors as mentioned in the interviews. Codes were then assigned representing words used by the interviewees (Moghaddam, 2006). Codes were then compared, to verify their descriptive content and to confirm they were grounded in the data.

Utilizing the NVivo software, it was recommended that nodes be set up on which to build a hierarchical structure from which later data analysis could be conducted (Bringer, Johnston and Brackenridge, 2006). Nodes are themes discovered in the documents. These clusters of thought patterns and behaviors would be grouped and coded, and thus this represents the first stage of the research. So in this open coding stage, each of the thirteen interview results was carefully screened, and a series of free nodes identified.

The subsequent analysis of the raw data from these coded free nodes to more summative broader categories involved peer scrutiny, poster board notations, and a constant comparative approach referring back to the original quotes as aligned with the free nodes in the software program. In this phase of the analysis this researcher sought to follow the specific process for axial coding as described in the seminal work by Strauss and Corbin (1990), where the data were put back together in new ways after open coding by making connections between categories, with some realigning and validation of relationships (Strauss and Corbin, 1990).

The researcher then reviewed the relationships formed in the axial coding stage, reviewed notes and memos written in describing the phenomenon, continued descriptively exploring and explaining the relationships in the data while regularly stepping back to view the big picture, as recommended by Richards (2005). A point in the data analysis came where it seemed that the marginal value of drawing any additional conclusion from the data seemed minimal (Pandit, 1996). It appeared to the researcher that a data saturation point had occurred where all the respondents seemed to be consistently providing the same type of information. This was an indicator that the analysis was at the final stage (Omar, Hj. Hamid, Alias, and Islam, 2010). At this point in the analysis, the highlighted major themes from the data presented themselves with some regularity, and it was at this point that the researcher pursued reporting the findings from the data collected. Below is one example of some of the coding analysis results: a table highlighting the frequency of repetitive statements and themes.

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## RESEARCH FINDINGS AND RECOMMENDATIONS

### Conclusions Drawn from the Findings

It seemed from an overview of the data analysis that the findings represented a management balance between the execution of existing general management practices in hiring and managing the performance for all employees as noted in the traditional hiring process

(forecasting and planning, candidate review, etc) and a deepening personalized response to the unique variables present in the reinstatement process. The findings therefore represented a balancing of interests: the manager's own beliefs in the value of the individual with the pressing needs of the organization; or similarly a balance between the interests and objectives of the organization and its stakeholders for justice and for performance with the fragile redemptive reinstatement of the failed employee.

A summary of the findings and their interpretation follows:

**Finding and Interpretation:**

**1. Managers reflected on decision-making that led to the first termination; but then they reviewed the rationale for bringing someone back.**

The managerial behaviors observed here centered on a self-reflection or introspective analysis of the previous reasons for the termination of the worker, as well as a careful objective review of the circumstances leading up to the termination. Some of this reflected their own empathy for the terminated worker, but it was also an expression of their role as an agent of the firm.

These managers checked on the facts leading up to the first termination to thoroughly understand what occurred previously. This included looking into the previous work history of these employees; they also considered the investment made by the company in the employee's development. Employees with previous good work history were easier for managers to accept back, and then "sell" back to the organization. This led to willingness by the manager to take responsibility for the reinstatement of a terminated employee, due to the consideration of the employee's past performance as a potential predictor of future success, as well as the financial investment made by the company in the employee's development.

**Finding and Interpretation:**

**2. Managers sorted through organizational issues with stakeholder groups; but then they carefully considered the proper placement of the returning employee.**

The managers' behaviors evidenced in this finding centered on managing the organizational environment into which the reinstated employee was re-entering. Managers took the time to size up the workgroup and organizational environment prior to reinstatement. There were some concerns expressed by organizational stakeholders over the reinstated employee's return. Managers listened to the concerns of stakeholders and took the time to size up the workgroup and environment prior to reinstatement. The managers negotiated with stakeholders in the organizational environment into which the reinstated employee would be re-entering to assure that their concerns were addressed. In some cases returning employees were reassigned to a smaller group and/or different manager to help them in the adjustment. It appeared prudent to the success of the reinstatement that managers anticipated these issues and addressed them head-on.

Eighty per cent of the interviewed managers working in a union environment worked with the union to make this successful reinstatement happen. Managers acted as a strong third-party facilitator (Kidder, 2005), in the successful reinstatement of the terminated employee, seeking to balance the concerns of the affected parties so that they would feel that justice was being served.

**Finding and Interpretation:****3. Managers created structured agreements with conditional acceptance; then they communicated clearly and directly about conditions and consequences.**

Managers observed here carefully evaluated not only the circumstances leading to termination but the worker's capabilities as well prior to reinstatement. Managers then created a structured and conditional plan for reinstating the terminated worker. In creating these conditional plans managers acted in some cases to prevent a reoccurrence of the same behavior which led to the original termination, but in all cases managers acted to protect the company in their role as an agent of the firm. Managers' behaviors at all times demonstrated decisions made to help the employee as well as the stakeholders through this process as a means of success.

Managers also pursued a very directive approach to communication, pressing in to confront previous aberrant behaviors, questioning the employee about their motives for returning to the firm, and emphatically stressing this second chance opportunity. Managers challenged the returning employees to improve their performance, seeking to motivate them to be successful this time with this second chance. At times the manager's passion and directive communication elicited a verbal commitment from the employee to work harder to take advantage of this second chance opportunity. On a number of occasions, as a result of this direct communications, workers expressed remorse for past mistakes and a commitment to work harder and regain trust.

**Finding and Interpretation:****4. Managers were moved with compassion and empathy for the reinstated employee; but then they acted to ensure that the process for reinstatement demonstrated justice and fairness.**

The managerial behaviors observed here included expressions by the manager of actions directed by a compassionate sympathy for the reinstated worker. Many managers reflected on their own experiences with redemption or second chances; they also gave examples from their family history. In an expression of their own compassion, the managers considered what was best for the worker and the workgroup and acted to place the employee in a different setting, on a different shift, or with a different workgroup if deemed necessary. But these expressions of support were balanced with a careful monitoring of the reinstatement process, to assure that this was done considering the benefit to and protection of their own organization, yet with justice towards the reinstated employee, to give the reinstated employee the opportunity for success the second time around.

Upon reinstatement, managers sought to place employees in situations in which they could be successful and which were perceived as being equitable, and to avoid the perception that they were out to get the employee in this reinstatement agreement. Managers generally resisted the opportunity to form attributions towards their employees or demonstrate resentment (Williams and Taras, 2000), but instead offered support and a fair chance for the reinstated employees.

**Finding and Interpretation:**

**5. Managers offered support and encouragement to the returning employee; but then they carefully scrutinized the reinstated employee's work, with greater follow-up frequency and continued consistent discipline.**

The managers with successful reinstatements demonstrated an interest in all of their employees, getting to know them personally, but this was especially true with the reinstated employees, due to the careful due diligence and directive communication provided by the manager to the returning employee as a part of the reinstatement process.

Managers demonstrated an active involvement with the terminated employees during this reinstatement process. Managers acted with fairness and justice in mind, but they were very up-front and outspoken with terminated employees in their reinstatement process, particularly about their approach to discipline. Managers were also very conscious of and attentive to the work and behaviors of the reinstated employees, more carefully monitoring the employee's behaviors and performance in this second opportunity. Therefore, the managers used a much more hands-on approach not only in restoring the employee, but also in disciplining the reinstated employee, and in directly evaluating the employee's performance. Managers demonstrated a greater oversight and closer evaluation of the restored employee's actions. Managers also seemed to take a more precise approach to employee discipline, following the company guidelines but with little room for flexibility.

**Finding and Interpretation:**

**6. Managers balanced the need (sometimes desperation) for good workers and their belief in second chances with the facts: this employee had displayed aberrant behavior, and they had previously failed at this opportunity.**

Each of the twelve managers interviewed expressed that they were willing or open to the reinstatement process. They were clear on the previous actions of the employee leading up to their termination. Ultimately, the managers recognized the risks and cost-benefits of reinstating an employee that had made mistakes and had to be terminated. But these managers balanced this reality with two important factors: their own empathy and desire to offer a second chance; and the opportunity to not only assist an individual but to meet the demands of their organization for good workers.

Managers were already known to have taken time to get some self-awareness as well on the issues related to this termination, and to examine their own feelings towards the terminated workers. In the midst of balancing the demands of their business and the daily responsibilities and deadlines faced by managers, these managers seemed to make values-based decisions on reinstating workers. Their actions seemed more deliberate, focused and time-consuming. These manager actions could also have been described as missional in the sense that their efforts to reinstate these employees were more reflective of their personal values. These managers pursued a strategy which sought to meet the organization's demand for good workers and high performance by agreeing to reinstate a previously good worker who had failed in their behavior but had demonstrated some previous ability to perform on the job. These managers all saw the organizational need, they recognized a potential opportunity, and they took the risk.

Synthesis of Findings: Managerial Behaviors and the Leadership Literature

In the leadership literature, there seems to be consistent evidence of a balance of concerns that the manager must grasp (Likert, 1961; also Blanchard, Zigarmi, and Zigarmi, 1985; Hersey and Blanchard, 1977). In early research on leadership behaviors as unique from leadership trait theory, Rensis Likert and the University of Michigan studies identified these two management behavior concerns: a balance between job-centered behavior and employee-centered behavior (Likert, 1961). This struggle would express itself in future management literature. For example, Blanchard and Hersey (1977) determined that most management activities could be focused around two dimensions: one was called initiation of structure or task actions; and the other was the consideration of group members, or relationship actions (Hersey and Blanchard, 1977). This management perspective seemed to flow out of the work of Likert (1961); as did the defining of management tensions between a Concern for Production and a Concern for People, dimensions represented by Blake and Mouton in their Managerial Grid (1964; 1978).

The tension evidenced in these significant leadership theories seems to be the same tension experienced by the managers who successfully reinstated employees. These managers all worked extremely hard to balance the needs of their organization and accomplishing its mission with their concerns for not only their current stakeholders, but this terminated and now reinstated employee.

The reinstatement effort seemed much more personal to them, in the way that they directed conversations to the returning employee. As previously observed, the actions of the manager could also have been described as perhaps even more missional, in the sense that their efforts to reinstate these employees were more reflective of their personal values. It was certainly much more efficient an endeavor when their organizations supported the effort.

According to one research article, managers committed to long-term employee development pre-termination needed to work at balancing the sanctions of discipline with some personal incentives for improved performance, in order to carefully restore employees who had exhibited performance and behavioral problems (O'Reilly and Weitz, 1980). According to O'Reilly and Weitz, (1980), learning to apply this balanced management approach has turned around numerous employees who otherwise would have been fired (O'Reilly and Weitz, 1980). It is unfortunate that the managers in this current research study were not as successful using these techniques their first time with the terminated employees. In one organization where the researcher was given extensive access, managers interviewed have changed their approach to how they process these reinstated employees since these interviews were conducted (Bucci, 2011). It is the hope of this researcher that the results of this study can assist more managers add value to their organizations through better handling of reinstated employee, improvements in disciplinary-related processes, less workplace turmoil related to the reinstatement, improved employee retention, and greater employee productivity.

#### Recommendations:

There were a host of recommendations drawn from the major findings in the research. Much of the data analysis offered recommendations for managers currently facing similar challenges. A small sampling of some of the major recommendations follows:

Reflection in management is a critical skill (Gosling and Mintzberg, 2003). Since the managers in this study used so much additional time to review and reflect on the employee's termination in light of the potential reinstatement, one conclusion drawn might suggest that the pre-termination time allocated to review and reflection might not have been sufficient.

The data analysis focused on post-terminations actions. Little data on pre-termination actions was noted. There may have been an opportunity to salvage the terminal employee if the manager was able to transfer, demote or reassign the employee prior to their termination. Managers generally are reluctant to engage in reassigning poor performing employees from another area of the business (Mayberry, 2007). One way to gain management support for this action would be to identify the cost of lawsuits related to wrongful discharge and the overall cost of the reinstatement. There was a seminal article which considered this very issue of cost related to discharge and litigation (Bentolila and Bertola, 1990).

The cost-benefit of reinstating an already trained and experienced worker was highlighted in several of the studies read in preparation for this research and in other literature as well (Bamberger and Donahue, 1999; also Chewning, 1990). Another recommendation would be that organizations which stated that they valued employees have a process in place where employees are given another opportunity in a similar setting, or are given a means to post for another position elsewhere in organization prior to termination. Perhaps a team-based organization would compel members to succeed and work through their behavior issues through reintegrative shaming (Bamberger and Donahue, 1999). But the fallout could be that team members end up covering for the failings of one weak member.

As identified in the study results, while the manager offered greater support and a new opportunity, stakeholders were watching to see if any special treatment was given or any advantage taken. Cole (2008), in writing on discipline and attribution, cited research which found that observers (the workgroup) were more accepting of leniency in the discipline of a worker which the observers perceived to have a good record, as compared to rule violators with poor performance records who were deemed more deserving of punishment (Cole, 2008). In the case of these reinstatements as previously noted, the managers who successfully reinstated terminated employees actively engaged the workgroup as to their perceptions of the prospect of reinstating this employee prior to the actual reinstatement, to determine the group's level of support for the reinstatement, and to gauge potential success. It is therefore recommended that the support of the workgroup be thoroughly evaluated before acting to reinstate a terminated worker.

Regarding specific managerial support in reinstatements, another study assessing best practice for placement of people completing a drug or alcohol abuse program found that the effectiveness of such programs depended on strong employer support and a strong network of on-going support for returning employees (Sutton et.al, 2004). The Conference Board reported that manager support was a critical determinant of employee satisfaction (Gibbons, 2006). One more study noted the perception of employees and union officials regarding the effects of the lack of support by managers in the reinstatement process. Williams and Taras (2000) wrote that in their interviews with reinstated employees and union officials, managers offered little support in the reinstatement process and seemed to make it clear that employees would be left on their own to manage coworker transition issues (Williams and Taras, 2000). This could certainly be the reason for the poor success rate in these reinstatements. This could certainly be a cause for the feelings of hurt, humiliation and apathy on the part of the reinstated employees (Williams and Taras, 2000) and for the resultant poor success in reinstating terminated workers.

Personal knowledge of employees' work capabilities and task challenges can lead to a better focus for managers directing motivation and communication, not only in the case of employee reinstatement but also in overall job satisfaction (Schermerhorn, 2005). It is strongly recommended that managers receive training regarding performance management beyond simple

year-end appraisals, and that systems for improved performance management with feedback loops be a part of the organizational systems, to reduce the perceptions of injustice in terms of reasons for termination and to improve the network of support received by employees (Blanchard, Zigarmi and Zigarmi, 1985). It is a major responsibility of managers to guide employee behavior by making employees aware of what is proper and what is improper in terms of actions, interactions and suitable behavior on the job (Yukl, 2002).

## CONCLUSION

One of the purposes for conducting this research included the fact that among all of the empirical data there appeared to be no consensus regarding under what circumstances a reinstated employee would find success after previous termination for cause. Many studies offered conflicting results, and heretofore focused on which pre-termination characteristics of reinstated employees may have led to successful reinstatement. Another stated purpose for conducting this research was the apparent gap in the literature regarding the role of manager behaviors in the successful reinstatement of previously terminated employees. This gap in the literature has been addressed, and it is hoped that the beginning of a new stream of research on effective managerial behaviors with reinstated employees has been initiated. Whether there will be more consistent results with subsequent research will be evident only over time and with much more data.

The reinstatement of an employee after termination was noted to be a rare occurrence (Darnay, Magee, and Hillstrom, 2007), and is still rare in many organizations. This is demonstrated by the fact that in these interviews, eight of the managers had never been involved in a reinstatement in the past prior to working at their organization. Among six of these eight managers, up to the point where the terminated employee was reinstated, there had never been an employee reinstatement at their organization in the past. As has been documented, there is certainly a change in the employee-employer relationship, not simply in terms of rehiring and reinstating workers, but also in interpersonal relationships. Some authors describe the attitude of the worker reinstated through arbitration as untouchable, now that they have been returned to work as if vindicated (Ponak, 1987; Ross, 1957). One manager in the interviews used the term, "bulletproof." So the process of reinstatement for the manager, the workgroup and the organization are not without complications.

Ultimately, the research in this study was conducted to identify observable management behaviors present in the successful reinstatement of employees previously discharged for cause. The research has demonstrated that utilizing a redemptive approach in dealing with reinstated employee has the potential for reduced costs in addressing turnover, hiring and potential litigation, as well as improved organizational commitment. There is also a cost-benefit to organizations in light of the significant investment organizations make in the recruitment and retention of their workforce through job training and further development. There is a managerial challenge here in adjusting one's preferred leadership style to support employees whose experiences and cultural perspective may differ dramatically from the manager's (Blanchard, Zigarmi and Zigarmi, 1985). Ultimately, according to this data and as in the Bible, employees like all people are free moral agents and as previously noted, the behaviors of the managers do not necessarily predict nor can they accurately determine the reaction of the subordinate (Romans 3:10 NIV).

Yet managers and organizations must also realize that all people are fallible, not perfect, and need training and nurturing to be successful. There is a significant disconnect in thinking that hiring involves drawing from a normal distribution curve (Blanchard, Zigarmi and Zigarmi, 1985). Recruiting, training and retaining “winners” are all three demonstrated to be critical competencies necessary in organizations, but are rarely a significant focus (Sullivan, 2002). This is not simply a function of the Human Resources department. Ultimately, managers must live with their own efforts at developing and retaining a competent workforce (Yukl, 2002).

## Postscript

In a research study published in January 2010, the Society for Human Resources Management conducted a survey of 433 randomly selected HR professionals from SHRM’s membership to determine the extent of background checks conducted on potential applicants (SHRM, 2010). 73% of the organizations surveyed conducted criminal background checks on all job candidates (SHRM, 2010). Blumstein and Nakamura (2009) draw from the same data tables in the SHRM reports and, including businesses that always or sometimes conduct criminal background checks, determine that this percentage is over 80% (Blumstein and Nakamura, 2009).

The significance of these background checks have a variable influence on the decision to hire. According to the survey, the confirmation of convictions can have a very influential impact on whether to extend a job offer to the candidate (SHRM, 2010). According to Blumstein and Nakamura (2009), whether an applicant states up front that they have committed a crime, or the employer determines this through a criminal background check, there is a likelihood that the applicant will not get the job, because many employers are unwilling to hire ex-offenders (Blumstein and Nakamura, 2009). These researchers go on to suggest that “most people would probably agree” (Blumstein and Nakamura, 2009) that at some point in time ex-offenders who have not continued criminal activity should not be handicapped by their criminal record when seeking employment (Blumstein and Nakamura, 2009).

This new research funded by the National Institute of Justice seeks to empirically determine whether employers should be concerned about past criminal offenses when hiring a new employee. Blumstein and Nakamura have gone beyond what they determine is an employer choosing arbitrary expiration dates for the revocation of prior criminal records, and they have developed an actuarial model for determining when ex-offender has for employment purposes been clean long enough to be considered “redeemed” – their term (Blumstein and Nakamura, 2009).

How interesting that in this criminal justice context there are efforts to determine whether persons committing past offences can be considered “redeemed” for employment purposes and given a second chance to start fresh. Previous research conducted among managers with a faith background sought to determine the influence of a Christian worldview on their decision-making in the workplace (Bucci and Bruce, 2008). This research found that just because a manager’s faith guided their decision-making, it did not necessarily mean that a faith-based manager felt any more compelled to offer second chance opportunities to ex-offenders, or former drug addicts or even employees whom they had previously terminated (Bucci and Bruce, 2008).

How critical it is for those of us with this dynamic faith perspective to “lead the way” in seeking to operationalize such values-based research. The results of this current research project, drawn from organizations not qualifying as distinctively Christian, has shown that there

is a value proposition the application of kingdom of God principles such as the restoring an individual created in the image of God to a position of fulfilling their calling, to supporting an organization's mission, to economic contribution and to providing for their own and their family's needs (Plantinga, 2002). There is evidence here to suggest that it is viable for a manager to consider a leadership intervention based on the mission of Christ Himself, "who gave Himself for us to redeem us from every lawless deed, and to purify for Himself a people for His own possession, zealous for good deeds" (Titus 2:13, NASB).

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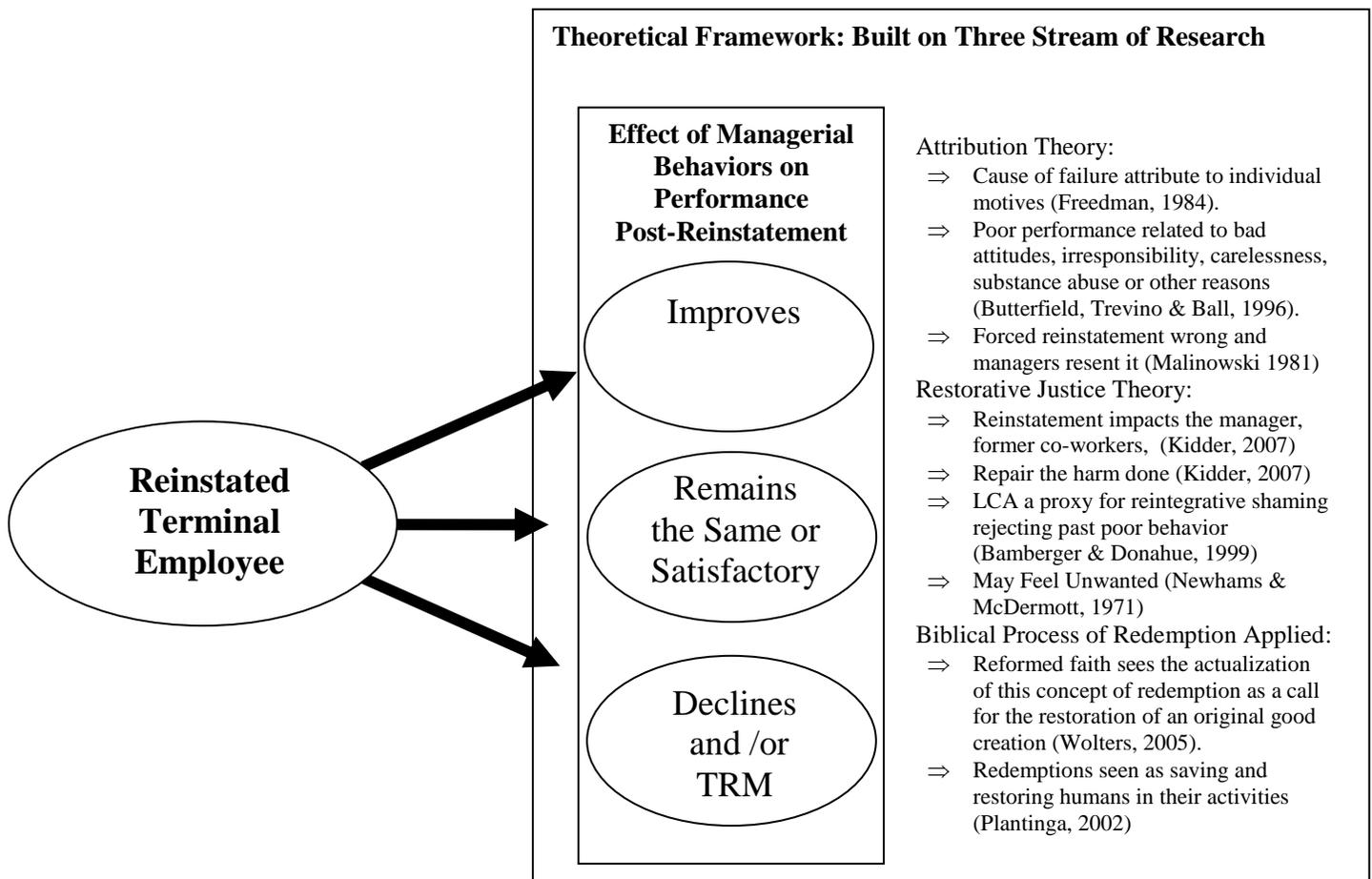
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## APPENDIX

Figure 1:

Theoretical Framework Highlighting Workplace Variables Which Can Influence the Performance of Reinstated Employees (Bucci, 2010)



**Table 1: Summary of Major Reinstatement Methods and Factors for Success (Bucci, 2010)**

Major Post-Termination Reinstatement Methodologies	Post-Termination Reinstatement Predicted Success Factors (Positive)	Post-Termination Reinstatement Problematic Factors (Negative)
<p><b>Arbitration:</b></p> <ul style="list-style-type: none"> <li>• Approx. 50% of discipline arbitration results in modification (Blancero &amp; Bohlander, 1995), although percent of unionized workers is small compared to the general population (Noe, 2007).</li> <li>• Arbitrators reinstated / modified penalties in over 50% of cases (Ponak, 1991)</li> <li>• Two studies cited arbitrators as saying that employees deserved a “second” or “last” chance (Stone, 1969; Blancero &amp; Bohlander, 1995).</li> </ul>	<ul style="list-style-type: none"> <li>* Employees w/greater seniority performed better than low seniority (Ross, 1957) Most employees w/ good pre-discharge work history stayed the same (Jones, 1961).</li> <li>* Majority with good pre-discharge employment records required no additional discipline (Adams, 1978).</li> <li>* A good pre-discharge discipline record a reliable predictor of future job performance (Adams 1978, cited by Labig, Helburn &amp; Rodgers, 1985).</li> </ul>	<ul style="list-style-type: none"> <li>* Greater seniority led to more subsequent discipline &amp; discharges (Adams, 1978);</li> <li>* Reinstatement unlikely to improve performance (Newhams &amp; McDermott, 1971).</li> <li>* Performance of employees with greater seniority would be less satisfactory (Rodgers, Herburn &amp; Hunter, 1986).</li> <li>* Seniority had little bearing (Jones, 1961).</li> <li>* No indication that behavior change occurred. Reinstatement seen by most as vindication. (Whitehead &amp; Unger, 1991)</li> </ul>
<p><b>Last Chance Agreements:</b></p> <ul style="list-style-type: none"> <li>• Cost benefit: reduced costs related to grievance &amp; arbitration avoidance; also efficiency in adjudication (Bamberger &amp; Donahue, 1999)</li> <li>• Useful in outlining specific expectations for reinstated employee (Gotkin, 2004)</li> </ul>	<ul style="list-style-type: none"> <li>* LCAs reflect a participatory, community-based shaming approach to punishment, which heightens the awareness of bargaining unit members and enhances the deterrent effect of punishment (Bamberger &amp; Donahue, 1999).</li> <li>* Marital Status consistently found to increase probability of success (not age, seniority, gender or skill level). (Bamberger &amp; Donahue, 1999)</li> </ul>	<ul style="list-style-type: none"> <li>* Seniority was found to have a weak statistically significant negative impact on reinstatement success (Bamberger &amp; Donahue, 1999).</li> <li>* Studies conducted on the impact of discharge on employees’ post-reinstatement behavior are often inconsistent and conclusions are often hard to draw due to sampling and study design problems (Bamberger &amp; Donahue, 1999).</li> </ul>
<p><b>Employee Assistance Programs:</b></p> <ul style="list-style-type: none"> <li>• Opportunity for being reinstated or maintaining employment a major factor in sobriety (Owen and Spicer, 1986).</li> <li>• Significant impact noted on absenteeism &amp; deviant work behavior (Knudsen, Roman &amp; Johnson, 2004).</li> </ul>	<ul style="list-style-type: none"> <li>* Significant improvements in absenteeism, a reduced number of employment problem days, percentage of persons being disciplined on the job and reduction in whether their job was in jeopardy 12 months later (Slaymaker &amp; Owen, 2006).</li> </ul>	<ul style="list-style-type: none"> <li>* No difference in treatment completion due to employment contingency. (Slaymaker &amp; Owen, 2006).</li> <li>* 24% of the employees were subsequently terminated with a number resigning as well (Keaton &amp; Yamatani, 1993).</li> </ul>

**Table 2: Manager Demographics – Entire Research Project**

Manager Number/ Title	Manager tenure w/firm	# direct reports	Number of Reinstatement Cases	Reinstated to them?	Previous exp with reinstatement?
01 Director of Maintenance	10 yrs (2 yrs as Mgr).	276 in 3 workgroups	1 case – successful	Yes (within chain of command; but very directly involved)	No (1 <sup>st</sup> time); Y (2 <sup>nd</sup> case pending).
02 Vice President	10 yrs (all as Mgr)	50+	1 case – successful	Yes Direct	Yes (LCA @ another org.)
03 Manager	31 yrs (most in leadership)	6	1 case – successful	No – part of rehire agreement-assigned to manager w/less reports.	No (1 <sup>st</sup> time)
04 Vice President	17 yrs (15 in leadership)	75 in 6 workgroups	1 case – successful	Yes (within chain of command)	Yes rare but done
05 Regional Service Mgr	8 yrs (2 yrs as Mgr).	8	2 cases – both cases not successful	Yes (within chain of command)	No (1 <sup>st</sup> time); Y (2 <sup>nd</sup> )
06 Plant Mgr	2 yrs (all as Mgr)	200 in 3 shifts of approx. 70 each	8 cases – 4 cases successful; 4 cases not successful	Yes (within chain of command)	Yes (@ another org.). But this is an accepted practice in current org.
07 HR Administrator	20 + yrs, most in this role	N/A		No – but had hire / fire authority and veto power	No. But this is an accepted practice in current org.
08 3 <sup>rd</sup> Shift Supv	2 yrs (all as Mgr)	50	1 case – successful (part of 8 cases above)	Yes Direct	No. But this is an accepted practice in current org.
09 President/ Owner	30 yrs in this role	20	2 cases – 1 case successful; 1 case not successful	Yes (within chain of command)	Yes had done in past (by Owner)
10 Manager (1 <sup>st</sup> case); Director (2 <sup>nd</sup> case)	20 yrs (15 in leadership)	20	2 cases – both cases successful; one case after 1 yr. problems returned (TRM)	Yes (within chain of command; 1 <sup>st</sup> case); N (consulted in 2 <sup>nd</sup> case)	No (1 <sup>st</sup> time); Y (2 <sup>nd</sup> )
11 Director	20 yrs in leadership	15 call centers with 1000+	2 cases – 1 case successful; 1 case not successful	Yes (within chain of command); but to new supv.	No (1 <sup>st</sup> time); Yes (2 <sup>nd</sup> )
12 Asst Superintendent	30 yrs (most in leadership roles)	50+	1 case – successful (1-2 yrs); but later violated LCA (TRM)	Yes (within chain of command)	No (1 <sup>st</sup> time)

**Table 3: Selective Coding-Comparing Open and Axial Coding Categories by Frequency**

Coding Categories	Frequency of Manager Mentioning
Fairness / Justice	5 Managers mentioned
Self-reflective or introspective planning for reinstatement	4 Managers mentioned
Terminated employee was a good worker	11 Managers mentioned
Good performance prior to termination	9 Managers mentioned
Conditional reinstatement arrangement	7 Managers mentioned
A faith background or association	8 Managers mentioned
Greater attention paid to quality of reinstated employee work	9 Managers mentioned
More frequent work/performance follow-up	9 Managers mentioned
Difficulties in finding good workers	5 Managers mentioned
Belief in the value of the employee	4 Managers mentioned
Belief in helping people	9 Managers mentioned

Expressed compassion for terminated employee	7 Managers mentioned
Actively involved manager; more hands-on	7 Managers mentioned
Knew the worker personally; familiar with work	8 Managers mentioned
Strong warnings upon return about opportunity for change	6 Managers mentioned