

Skills for Successful Supervision

A Primer of Basic Supervisory Skills and Techniques

DAY TWO



AGENDA

- Ethics and Values
- Holding Employees Accountable
 - Effective Discipline
- Employment Laws & HR Policies
 - Dispute Resolution
- Short Scenarios & Case Studies



Values & Ethics



DHS Employee Relations Values

- Handout: Employee Relations Values
- Exercise: Identify the Values



Ethics

Ethics in government is critical to maintaining the Trust of the Public.

Failure to behave in an ethical manner is a common criticism of politicians and others in the public sector.



Ethical Behavior in the Workplace

A strong ethical culture within the Agency is important in safeguarding your assets. Employees who abide by your workplace ethics are more likely to protect and respect State assets.



Creating an Ethical Environment

Model ethical behavior in order to:

- Increase pride, professionalism and productivity
- Increase employee willingness to report misconduct.
- Improve trust and respect at all levels.
- Protect the positive reputation of the organization.
- Foster a positive work culture and improved customer service
- Reduce pressures on employees to compromise ethical standards



Holding Employees Accountable

“Accountable” can be defined as: Accepts full responsibility for self and contribution as a team member; displays honesty and truthfulness; displays a strong commitment to organizational success and inspires others...

Important function of your position as supervisor is to hold your employees accountable. See talent management definition in PMP.



Employees should be held accountable in the areas of:

- ✓ Attendance
- ✓ Conduct
- ✓ Performance

All three are necessary!



Early Intervention

Intervene in all areas:

- Performance
- Attendance
- Conduct

Critical to the progressive
discipline process



Attendance

- Most basic of all conditions of employment
- Considered one of the “essential functions” of the job
- If an employee is not at work, then he cannot perform his duties



Conduct

- Being responsive to supervisory direction and feedback
- Avoiding argumentative, loud, rude and offensive language and/ behavior
- Dressing in a clean and neat matter which is appropriate for the setting
- Working cooperatively with colleagues
- Complying with all instructions from supervisors and managers



Performance

- Accurate, complete and timely work products
- Appropriate interactions with clients
- Complying with performance standards
- Following programmatic policies and procedures
- Meeting deadlines
- Clarifying instructions and procedures when appropriate



Discipline



Elements of Effective Employee Discipline

- Communication
- Coaching
- Factual Integrity
- Documentation
- Consistency
- Progressive Discipline
- Employee Rights & Privileges



Communication

N-notice-clear statement of the problem

E – Expectations-what it will take to correct problem

W – Warning- what will be the consequences of non-compliance



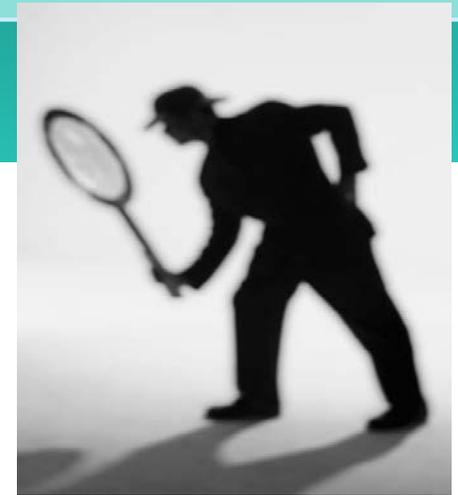
Coaching

- Use active listening skills
- Keep an open mind
- Take a collaborative approach
- Focus on win-win solutions
- Be courteous and respectful
- Respond, don't react
- Help the employee to understand and commit to necessary improvements



Fact Finding

- Investigate all complaints
- Interview all involved
- Get written statements if necessary
- Review appropriate documents
- Determine witness credibility
- Get the employee's side of the story



The Importance of Documentation



How to Document



Do it promptly

Write Clear, Concise & Accurate Information

Date all entries and documents

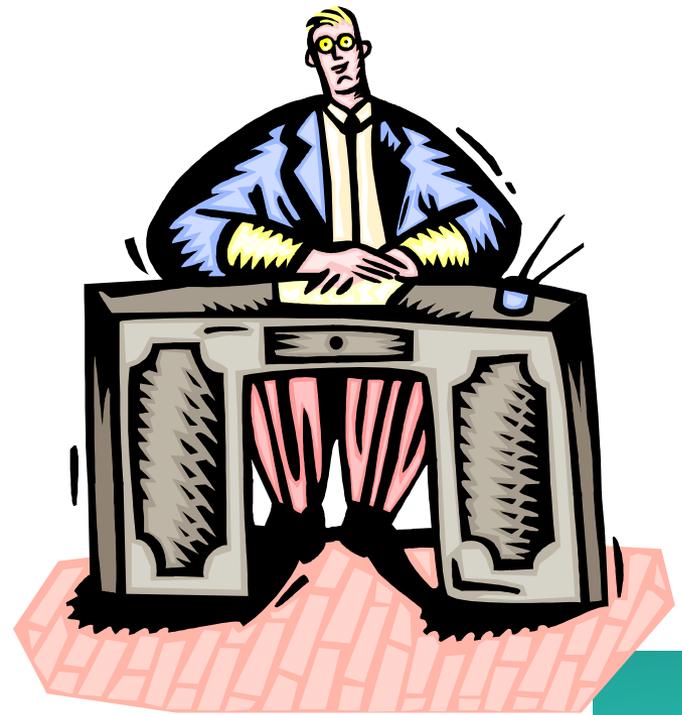
Witness Statements, if necessary



How to Document

Describe discussion with employee:

- Demeanor
- Comments/Questions
- Reach Agreement
- Follow up scheduled



Documentation should include:

- What occurred
- When it occurred
- Frequency of issue
- Communication following issue
- When communication was done
- What has been the impact on the work, the group and/or client



MANAGER: _____ Contact Number: _____
 SUPERVISOR: _____ Contact Number: _____

EMPLOYEE: _____ EMPLOYEE ID: _____
 JOB TITLE: _____ HIRE DATE: _____

Employee's Caseload Size: _____ Office's Average Caseload Size: _____ Office's Lowest Caseload Size: _____ Office's Highest Caseload Size: _____
 CLASSIFIED Last PMP Rating: _____ Date Received: _____
 UNCLASSIFIED Last MRF/Interim Rating: _____ Date Received: _____

PRIOR CORRECTIVE AND/OR DISCIPLINARY ACTION(S)? Please provide a copy of each.

- | <u>CORRECTIVE ACTION</u> | <u>DISCIPLINARY ACTION</u> | <u>ADVERSE ACTION</u> |
|--|--|---|
| <input type="checkbox"/> Coaching/Counseling | <input type="checkbox"/> Written Reprimand | <input type="checkbox"/> Suspension with Pay |
| <input type="checkbox"/> Memo of Concern | <input type="checkbox"/> Written Reprimand/Final Warning | <input type="checkbox"/> Suspension without Pay |
| <input type="checkbox"/> Attendance Plan | <input type="checkbox"/> Unauthorized Leave without Pay | <input type="checkbox"/> Disciplinary Demotion |
| <input type="checkbox"/> Work Plan | | |

PREFERRED COURSE OF ACTION:

- | <u>CORRECTIVE ACTION</u> | <u>DISCIPLINARY ACTION</u> | <u>ADVERSE ACTION</u> |
|--|--|---|
| <input type="checkbox"/> Coaching/Counseling | <input type="checkbox"/> Written Reprimand | <input type="checkbox"/> Release* |
| <input type="checkbox"/> Memo of Concern | <input type="checkbox"/> Written Reprimand/Final Warning | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Attendance Plan | <input type="checkbox"/> Disciplinary Demotion | <input type="checkbox"/> Suspension with Pay |
| <input type="checkbox"/> Work Plan | <input type="checkbox"/> Unauthorized Leave without Pay | <input type="checkbox"/> Suspension without Pay |

*Release should be requested for employees who fail to meet training requirements or fail to return from leave.

Please provide a succinct summary of the facts which led to the preferred course of action and a statement of expectations for correcting the issue(s). Include extra page(s) as necessary:

EXAMPLE: Employee has failed to comply with Memo of Concern received in December 2010. Cases remain out of compliance with documentation standards.



Keeping documentation

- Include pertinent materials, reports, etc.
- Include copies of group directives
- Keep copies of all corrective and disciplinary actions.
- Keep pertinent information as long as you keep the employee.
- Give productivity file to the next Supervisor.



Importance of Documentation

Accurate and complete documentation supports challenges to the action:

- Classified appeal
- UI Hearing
- Litigation
- EEOC Charge
- Complaint to higher level management or political representative



Consistency

- Fairness to everyone-apply ER values
- Treat employees with similar work histories and similar offenses in a similar manner
- All issues should consistently be addressed
- Every case is different
- Consider individual circumstances
- Be consistent but not rigid



Decision Factors

- Severity of the offense
- Impact on clients
- Prior disciplinary/corrective action
- Performance Evaluations
- Length of service
- Mitigating circumstances
- Evidence of intent



Progressive Discipline



- What is it?
- What is its purpose?
- What are the steps?



Corrective Actions

- Attendance Plan
- Work Plan
- Memo of Concern and Expectations
- Unauthorized leave without pay
- More frequent use of interim evaluations, monthly or quarterly



Disciplinary Actions

- Written Reprimand
- Written Reprimand/Final Warning
- Separation/Dismissal
- Suspension without pay *
- Demotion

* *rarely used in unclassified service*



Progressive Discipline Process

- What should the timing be between each step?
- Do you have to use all the steps?



Progressive Discipline

- Begin with the least severe penalty that will have the desired effect
- All the steps do not need to be followed when offenses are severe
- Give sufficient time for improvement
- Move through the process quickly if expectations are not met
- Remember that the purpose of discipline is to salvage the employee



Grounds for Disciplinary Action

- Negligence and inefficiency in the performance of assigned duties
- Chronic tardiness or absenteeism
- Misconduct
- Conduct reflecting discredit on the department
- Failure to report for or remain at work without justifiable cause
- Inability or unfitness to perform assigned duties
- Insubordination
- Prohibited political activity
- Commission of a felony or crime of moral turpitude



Case Study



Break into groups

1. Review sheet titled "Case Studies – Process," then review and discuss case study.
2. Document your responses on "Case Study Worksheet – Report Out Questions."
3. Choose one person to report out.
4. Each group will be asked to report out on different questions asked in the "Case Study Worksheet – Report Out Questions."
5. For those group(s) not chosen to report out on a particular question, still be prepared to respond to the question. You will be asked whether you would have done/asked anything differently.





Key Employment Laws



Key Employment Laws

EEO-Equal Employment Opportunity
Sexual Harassment

ADA-Americans with Disabilities Act

FMLA-Family and Medical Leave Act

FLSA-Fair Labor Standards Act



Diversity

DHS solicits, welcomes, includes and values the contributions of all employees and creates and fosters the rich diversity of its employees, community and customers

DHS is an Equal Opportunity Employer and does not discriminate on the basis of race, color, age, sex, religion, national origin or disability nor does it tolerate retaliation against employees for engaging in protected activity



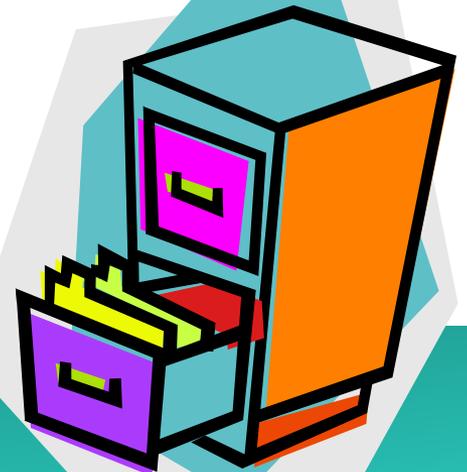
Discrimination Complaints

Internal-OHRMD investigates

External-GCEO or EEOC investigate

Grounds: race, sex, age, color, national origin,
religion, disability, retaliation

OHRMD responds to all GCEO/EEOC
charges-very tight time frames



Americans with Disabilities Act

DHS position is to provide reasonable accommodation to all employees when it does not create an undue hardship

Employee must be able to perform essential functions of the position

Dialogue with employee; specific time frames
written request; documentation

Management responds in writing

Consult OHRMD Regional Manager



Sexual Harassment

Management must act if they become aware of an allegation

Harassment must be unwelcome and offensive to the complainant

Harassment must be pervasive

Often is misconduct when it doesn't fit harassment definition

Consult OHRMD Regional Manager



Scenario

An employee under your supervision walks into your office and tells you he wants to discuss something with you in confidence. He mentions that a female colleague has continued to ask him out to dinner though he has repeatedly declined her request; invited him over to her house so that he can “get to know her better;” and touched his rear end on several occasions but explain to him it was an accident. He mentions that he doesn’t want anything to be done to the colleague because he has handled the problems himself by repeatedly making her aware that her actions are unwelcome. He just wanted to vent.



Question: What do you do?



Family Medical Leave



What is FMLA

12 Weeks of Job Protected Time Off

- Federal laws
- Employee entitlements
- Rigid complex rules
- Little room for discretion
- Violations cause liability to the Department
- Can have negative effect on productivity



Paid time off

FMLA is UNPAID leave time.

Employee's job is protected during leave.

Employees may use Annual, Sick, Personal and Comp Time during the FML.



FMLA Eligibility

12 months state service (not consecutive)

Worked 1250 actual hours in last 12 months

Rolling Calendar Year

Spouse employed by same employer



Qualification Reasons

- Pregnancy/ Adoption/Foster Child
- Serious health condition of:
 - employee,
 - child under 18
 - Spouse
 - parents



Serious Health Condition is an illness, injury, impairment, or physical or mental condition certified by the employee's health care provider.



Response in writing within 15 days.

Recertification may be required every 30 days.



Recent FMLA Law Changes

Addition of qualifying reasons

- Family member's call to active duty
- Care of an injured service member (up to 26 weeks)
- Spouse, son, daughter, parent or nearest blood relative
- Must meet all other criteria



****Currently use the rolling year****

Approval Process

Planned-30 days notice

Unplanned-ASAP

Conditional- approved contingent upon certification of health care provider

Designated- placed on FMLA leave because employer is aware of need

3 day rule guideline only



Approval Process



Complete FMLA Certification of Serious Health Condition.

Submit forms to Supervisor and OHRMD

- Serious Health condition form
- Medical documentation
- Time/Leave card

All approval letters must come from OHRMD.



Intermittent FMLA Leave

May be required to transfer to an alternative work schedule

If intermittent leave does not allow EE to perform the essential functions of the position, then place on full-time FMLA Leave

Must be returned to former or equivalent position



Keep in Mind



Supervisor's must comply with FML requests.

Unlawful to discharge or discriminate against employees because of FML request

Disciplinary Action may still take place –
Always contact OHRMD.



Short Scenario

An employee under your supervision just submitted a request for 12 weeks of FML to be with her adult daughter who just had a baby. The documentation does not indicate that there were any issues with delivery that require the employee's presence. The documentation simply indicates that that daughter gave birth recently and will need to be out of work for the next eight weeks.

What should be done in this situation?





Fair Labor Standards Act



FLSA-THE BASICS



Federal law

Employees are either exempt from the FLSA or non-exempt

Exempt/non-exempt designation is done by OHRMD based on the actual job duties



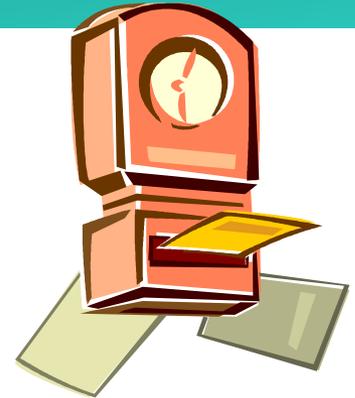
FLSA-Time worked

All time present at work station

Breaks are work time

Eating lunch is work time if it is not taken away from work station and free of all duties

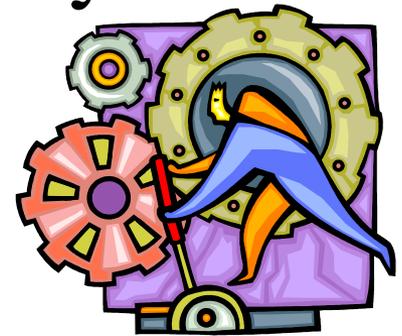
Unapproved overtime if actually worked



FLSA Non-Exempt Employees

Time sheets must record **actual time** worked

Adjustments must be made within the **WORK PERIOD** (designated 7day work week) not the pay period



FLSA OVERTIME



Time worked in excess of 40 **actual** work hours during the work period

Prior approval is required

If no approval, time is counted but corrective/disciplinary action justified

Overtime is compensated at time and a half

240 hours overtime and below = compensatory time, above = paid time



FLSA COMP TIME

Must be used in lieu of annual leave

May be used in lieu of sick or personal

Cannot be transferred between state agencies
or different DHR organizational units – payment
must be made



ACCOUNTABILITY

Neither allow nor direct modification of time sheets to reflect hours different from time actually worked

Evaluate employees on their PMF regarding FLSA compliance

Expect to be evaluated by your manager on your monitoring of FLSA compliance



HR Policy



Website Address:

[http:// ohrmd.dhr.state.ga.us/ohrmd/index/html](http://ohrmd.dhr.state.ga.us/ohrmd/index/html)





Standards of Conduct



Conduct: Insist on Professionalism

Policy #1201

Standards of Conduct includes:

- Conflict of Interest
- Confidential information and disclosure
- Activities and relationships with clients
- Interactions with colleagues
- Conditions of employment
- Use of State Property



Some Key Points of #1201

Do not accept gratuities

Avoid even the *appearance* of a conflict of interest

Comply with HIPAA & DHS Privacy Policies

Do not release privileged or confidential information to anyone who does not have a need to know

Avoid sexual relationships with clients and subordinates

Do not engage in any activities other than official business during work hours

Do not use privileged information for personal gain



Some Key Points (2)

- Avoid rude, argumentative, hostile, or otherwise unprofessional behavior
- Be courteous, responsive and respectful to clients
- Comply with all supervisory instructions
- Report arrests or convictions within 5 days
- Do not falsify records or documents
- Avoid harassing, disrespectful, offensive or threatening behavior with co-workers
- Do not sell, solicit or raise funds
- Do not display or transmit sexually oriented materials
- Cooperate fully with all investigations



Some Key Points (3)

Do not use state cell phone for personal calls or make non-business related long distance calls on work phones.

Do not work under the influence of or possess alcohol or illegal drugs while on duty

Do not wear any attire promoting a particular moral, political, religious, personal or other opinion which is vulgar, offensive or inflammatory.

Restrict personal use of state computers and office phones to infrequent use of short duration





LEAVE Policy #1006



Work Hours

The official work hours of the Department of Human Services are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Alternative Work Schedules:

Flex Time

9 – Hour Day

10 – Hour Day /compressed work schedule

Teleworking



Annual Leave Policy #1006

Supervisors should make reasonable efforts to grant employees' annual leave requests:

- disrupt work schedules,
- leave an office uncovered,
- inconvenience the work force or public, or
- contribute to employees' not meeting performance expectations



Annual Leave Facts #1006

When employees have a break in service, all accrued and unused annual is paid out.

Leave that has not been forfeited, up to a maximum of 360 hours, will be paid in lump sum to the employees.



Sick Leave Facts #1006

Sick Leave Qualifications:

- Personal illness or Injury
- Contagious Condition
- Medical or Dental Care
- Health care, illness, accident or death of immediate family member



Immediate Family :

- Spouse, child, parent, sibling
- Person who resides in employee's house AND is recognized by law as a dependent.



Sick Leave Facts #1006

Leave for death in the family:

- No specific Bereavement Leave.
 - ❖ May use sick leave for Immediate family member.
- Generally, sick leave due to the death of a family member should not exceed five (5) work days unless the employee is under the care of a health care provider due to a serious health condition



Sick Leave Facts #1006

Eligible employees can accumulate up to a maximum of 720 hours of sick leave.

Any sick leave in excess of 720 hours is placed in a forfeited status.



Sick Leave Facts #1006

Must provide Medical Documentation:

- Pattern of abuse of leave: in conjunction with holidays, days off, pay days.
- Use of more than 17 hours in a 30 day calendar period.
- Currently on an Attendance Plan.



Sick Leave Facts #1006

Sick leave for medical or dental care should be limited to the time necessary for the appointment(s) and related travel.



Employees who are **receiving** Short-term or Long-term Disability Insurance benefits through the Flexible Benefits Program **cannot use sick leave** at the same time.



Sick Leave Facts #1006

When there is a break in service, accrued sick leave balances are generally lost. Forfeited leave is also lost when there is a break in service.

If employees return to State government, lost sick leave balances and forfeited sick leave may be used for retirement credit purposes.



Leave Without Pay #1007

Approved Leave Without Pay: when absence from work is due to qualifying serious health condition of employee or family member. Position will be held.

Contingent Leave - Leaves of absence without pay for medical reasons when the employee is reasonably expected to be able to return to work. Position not held.



Management Authority

Direct the workforce in accomplishing the mission of the Department

- Determine work hours and job location
- Assign duties and responsibilities
- Give instructions and directives
- Schedule leave
- Evaluate performance
- Take corrective/disciplinary action



Assignment of Duties #101

Managers may:

- ✓ Assign
- ✓ Change
- ✓ Take from, add to, or eliminate entirely Employee duties and responsibilities as necessary.



A Word About Teleworking

All DHS supervisors who supervise teleworkers must complete the on-line Teleworking Course

Accountability is critical

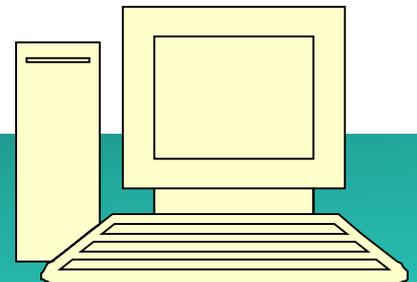
Demonstrated documented work products and results

Management engagement and oversight

Work-away program Best Practices are imbedded

Appropriate foundational basis

Review work away agreement once a year and employee



Dispute Resolution



Other Dispute Resolution Procedures

- Rebuttal of reprimands (unclassified)
- Reprimand review (classified)
- Review of performance plan
- Review of less than satisfactory rating
- Unlawful discrimination complaint
- Appeal to higher level management



Grievable Issues

Retaliation

Erroneous, arbitrary or capricious interpretation or application of HR policies

Unsafe or unhealthy working conditions

Allegations of harassment



Non-Grievable Issues

Performance responsibilities, expectations and evaluations

Changes in work hours and job duties

Budget and organizational structure

Corrective and disciplinary actions

Internal security practices

Selection and Relocation



Classified v Unclassified

Unclassified – serve at will, no reasons for separation given

Classified - appeal rights, reasons for dismissal, reprimand review

Both may file grievances and EEO complaints

Same management principles apply

Same ER Values Apply!



What are Best Practices?

Put ER values in operation

Principles which serve as guidelines in determining and implementing corrective and disciplinary actions

Practices which facilitate the accomplishment of the mission and goals of DHS



On-Line

- Employee Relations Tool Kit
- It's About Time Module
- Employee Relations Best Practices Module
- Policy Website

