



# *Georgia Department of Human Services*

## **Skills for Successful Supervision**

A Primer of Basic Supervisory Skills and Techniques

**DAY TWO**

*Stronger Families for a Stronger Georgia*

11/11/11(Date)

# Agenda

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





**VALUES**



# Ethics

- Ethics – The rules or standards governing the conduct of the members of a profession.
- 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 workplace ethics are more likely to protect and respect State assets.



# DHS Employee Relations Values

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



# Creating an Ethical Environment

Modeling ethical behavior can:

- 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

An important function of your position as supervisor is to hold your employees accountable:

- **Accountable:** 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.





# ## Employees should be held accountable in the areas of:

- Conduct
- Attendance
- Performance

***All three are necessary!***



# Early Intervention

- Critical to the progressive discipline process.
- Intervene in all areas:
  - Conduct
  - Attendance
  - Performance



# 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 manner which is appropriate for the setting
- Working cooperatively with colleagues
- Complying with all instructions from supervisors and managers



# Performance

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



# Discipline



*Georgia Department of Human Services*

# ## 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 the discussion with your 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.

CORRECTIVE ACTION

- Coaching/Counseling
- Memo of Concern
- Attendance Plan
- Work Plan

DISCIPLINARY ACTION

- Written Reprimand
- Written Reprimand/Final Warning
- Unauthorized Leave without Pay

ADVERSE ACTION

- Suspension with Pay
- Suspension without Pay
- Disciplinary Demotion

**PREFERRED COURSE OF ACTION:**

CORRECTIVE ACTION

- Coaching/Counseling
- Memo of Concern
- Attendance Plan
- Work Plan

DISCIPLINARY ACTION

- Written Reprimand
- Written Reprimand/Final Warning
- Disciplinary Demotion
- Unauthorized Leave without Pay

ADVERSE ACTION

- Release\*
- Dismissal
- Suspension with Pay
- 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?



# 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



# Corrective Actions

- Conversation (document0
- 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*



# ## 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





# Grounds for Disciplinary Action

- Inability or unfitness to perform assigned duties
- Insubordination
- Prohibited political activity
- Commission of a felony or crime of moral turpitude



# Case Study

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.



# Key Employment Laws



*Georgia Department of Human Services*

# 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, gender, religion, national origin or disability nor does it tolerate retaliation against employees for engaging in protected activity



# Discrimination Complaints

- Internal-OHR investigates
- External-GCEO or EEOC investigate
- Grounds: race, sex, age, gender, color, national origin, religion, disability, retaliation
- OHR 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 OHR 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 OHR 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 Act (FMLA)



*Georgia Department of Human Services*

# What is FMLA

## 12 Weeks of Job Protected Time Off

- Federal law
- Employee entitlement
- Complex rules
- Little room for discretion
- Violations cause liability to the department
- Can have a negative effect on productivity



# Paid time off

- FML 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 **employees' health care provider.**

Response in writing within 15 days.

Recertification may be required every 30 days.



*Georgia Department of Human Services*



# 2008 Amendment

NDAA amended FMLA in 2008

Created 2 new categories of leave:

- Qualifying exigency
- Military caregiver leave





# Qualifying Exigency

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reason related to or affected by the family member's call-up or service when it constitutes a qualifying exigency.



# Qualifying Exigencies

- Short notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling, rest and recuperation
- Post-deployment activities
- Additional activities to address other events that arise out of the covered service member's active duty or call to active duty status

*DHS and employee must agree that such leave shall qualify as an exigency and agree to both the timing and duration of the leave. The leave may commence as soon as the individual receives the call-up notice*



# 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 FML because employer is aware of need

3 day rule guideline only



# Approval Process



Complete FML Certification of Serious Health Condition.

Submit forms to Supervisor and OHR

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

All approval letters must come from OHR.



# Intermittent FMLA Leave

May be required to transfer to an alternative work schedule

If intermittent leave does not allow the employee 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



Supervisors must comply with FML requests.

Unlawful to discharge or discriminate against employees because of FML request

Disciplinary Action may still take place –  
Always contact OHR.



# 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 employees' presence. The documentation simply indicates that the 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



*Georgia Department of Human Services*

# ##FLSA-THE BASICS



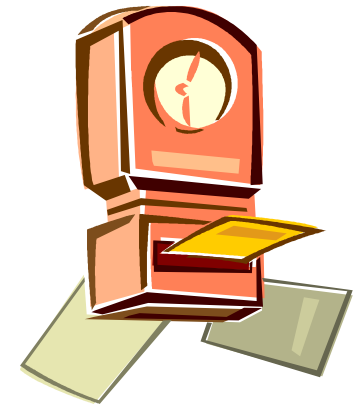
Federal law

Employees are either exempt from the FLSA or non-exempt

Exempt/non-exempt designation is done by OHR 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

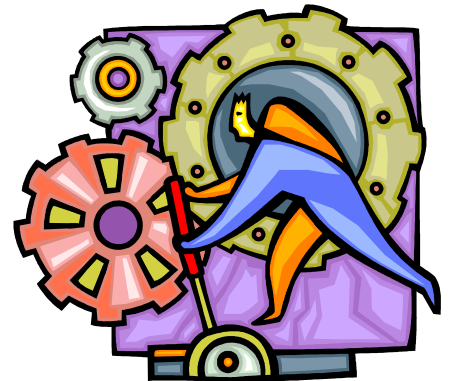
Unapproved overtime if actually worked



# FLSA Non-Exempt Employees

Time sheets must record **actual time**  
worked

Adjustments must be made within the  
**WORK PERIOD** (designated 7 day  
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 DHS organizational units – payment  
must be made



*Georgia Department of Human Services*



# 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://odis.dhs.ga.gov/Viewdocument.aspx?docid=3004010&verid=1>



*Georgia Department of Human Services*





# 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



# Key Points

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





# Dress Code – Policy 1205a



# Policy #1201: Dress Code Guidelines

- Effective Date: January 1, 2015
- Goal: To create a professional culture throughout the organization
- New Practices: Three categories for daily appearance of employees:
  - Business Professional – (Mondays through Thursdays)
  - Business Casual - (permitted on Fridays)
  - Environmental Attire - (contingent upon work environment)
- Guidelines determined by DHS Leadership with input from employee focus groups (DFCS, DCSS, and DAS, Administrative)
- Leadership communicates any changes to dress code throughout the year



# Examples of Appropriate Attire for Women

- Suits, dresses, skirts with dressy sweaters or blouses
- A jacket with a sleeveless blouse and skirt or dress slacks
- A matching suit or blazer with slacks
- Slacks and a dressy short or long sleeve shirt
- Comfortable dress shoes
- Open toed shoes allowed, if dressy in style (leather or fabric); no flip-flops
- “Mule” type backless shoes only if dressy in style



# Examples of Appropriate Attire for Men

- Suit worn with a collared shirt and tie
- Dress slacks and sport coat worn with a collared shirt and tie
- Dress slacks and long sleeved sweater
- "Dockers-type" slacks and knitted sweater vest (with or without sleeves) worn with a collared shirt and tie
- Dress shoes, loafers



# Inappropriate Attire for Men and Women

Examples include, but are not limited to:

- Jeans or denim that is too tight, saggy, or ripped; skinny jeans
- Sweatpants, exercise pants, leggings, and any spandex or other form-fitting pants
- Short and/or tight skirts, miniskirts, shorts, Bermuda shorts, skorts, sun dresses, beach dresses, and spaghetti strap dresses
- Bib overalls, or garments that cause undue attention to anatomical features and/or details of the individual
- Tank tops; midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops, tops that expose bare shoulders; sweatshirts, and T-shirts unless worn under another blouse, shirt, jacket or dress
- Bright colored athletic shoes, flip-flops, slippers (to include thong slippers), or plastic shoes





# Court Attire

- Business professional attire is preferred for any appearance in court, whether as a participant in a case, a witness or an observer.
  - Professional attire helps maintain decorum, shows respect for our laws and courts.
  - All DHS employees are prohibited to wear *environmental* attire in any courtroom



# General Appearance

- Hair care and accessories
  - Hair should be clean, combed, and neatly trimmed or arranged
  - Purple, blue, orange, green, pink, and yellow colored hair is deemed unacceptable in any DHS work environment
- Piercings and Body Art
  - To ensure a professional appearance, proper hygiene and safety, visible body art, tattoos, and body piercings (with the exception of earrings) are not allowed
  - Any cost for covering or removal of body art, tattoos, or body piercings is the responsibility of the employee
- Jewelry and make-up should be in good taste
- Perfumes/colognes should not be excessive or offensive
- Any item that causes undue attention to anatomical features of an individual is strictly prohibited.



# Reasonable Accommodation for Religious Practices

- Hairstyles, head coverings, clothing, body art, and/or accessories associated with religious practices will be given appropriate consideration for reasonable accommodation based on:
  - Nature of the job
  - Supporting documentation





# LEAVE Policy #1006



*Georgia Department of Human Services*



# 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



# 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.

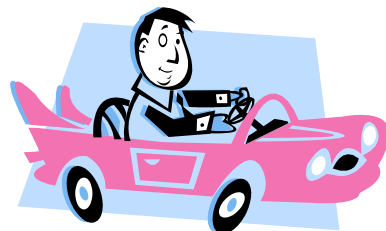
## **Must provide Medical Documentation:**

- 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

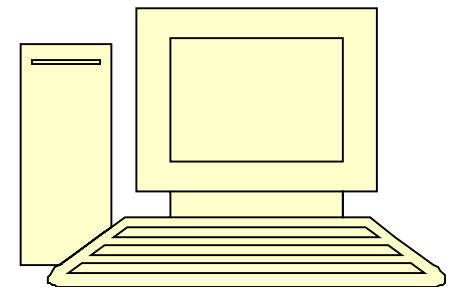
Managers may:

- ✓ 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



# Dispute Resolution



*Georgia Department of Human Services*



# Other Dispute Resolution Procedures

Rebuttal of reprimands (unclassified)

Reprimand review (classified)

Review of performance plan

Review of less than satisfactory rating  
resulting in denial of annual increase

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

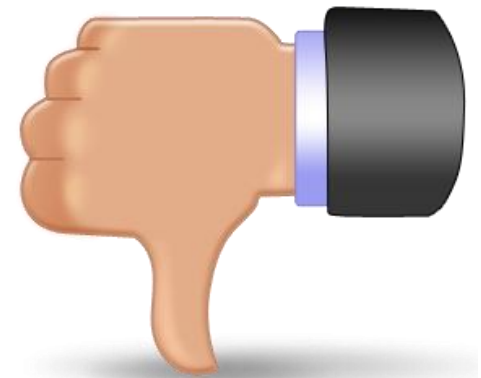
Changes in work hours and job duties

Budget and organizational structure

Corrective and disciplinary actions

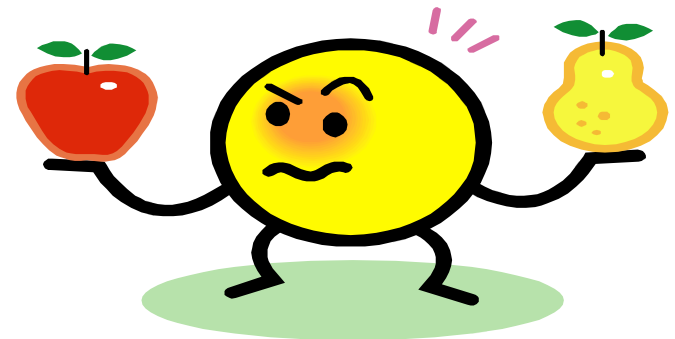
Internal security practices

Selection and Relocation



# Classified vs Unclassified Position

- Employees hired prior to July 1, 1996, are in classified positions
  - Covered by the Rules of the State Personnel Board
  - Can appeal employment actions to the State Personnel Board
- Employees hired on or after July 1, 1996, are in unclassified positions
  - Most of current state workforce are in unclassified positions
  - Unclassified employees are not covered by the Rules of the State Personnel Board
  - Cannot appeal employment actions to the State Personnel Board
- Georgia is an “employment-at-will” state
  - Employees in unclassified positions serve at the discretion of the Department



# 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



*Georgia Department of Human Services*



# On-Line

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

