



**MANAGING EMPLOYEE
PERFORMANCE MANUAL
AND
PROCEDURES
GUIDEBOOK**

SAN FRANCISCO FIRE DEPARTMENT

SECTION 1. OVERVIEW OF THE MANAGING EMPLOYEE PERFORMANCE PROCESS

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MANAGING EMPLOYEE PERFORMANCE MANUAL
AND PROCEDURES GUIDEBOOK
January 2008

San Francisco Fire Department
698—2nd Street
San Francisco, CA 94107

Chief of Department
Joanne Hayes-White

Manual Revision Project
Deputy Chief Gary P. Massetani
Acting Assistant Chief James A. Barden
Assistant Deputy Chief Thomas A. Siragusa
Captain Jose L. Velo

Managing Employee Performance manual, Project manager
Assistant Chief James A. Barden

Contributor
Battalion Chief Brendan A. Ward

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FOREWORD

The goal of this manual is to establish standard operating practices as authorized by the Chief of Department and implemented by the Division of Training.

The purpose of this manual is to provide all members with the essential information necessary to fulfill the duties of their positions, and to provide a standard text whereby company officers can:

- Enforce standard drill guidelines authorized as a basis of operation for all companies.
- Align company drills to standards as adopted by the Division of Training.
- Maintain a high degree of proficiency, both personally and among their subordinates.

All manuals shall be kept up to date so that all officers may use the material contained in the various manuals to meet the requirements of their responsibility.

Conditions will develop in fire fighting situations where standard methods of operation will not be applicable. Therefore, nothing contained in these manuals shall be interpreted as an obstacle to the experience, initiative, and ingenuity of officers in overcoming the complexities that exist under actual fire ground conditions.

To maintain the intent of standard guidelines and practices, no correction, modification, expansion, or other revision of this manual shall be made unless authorized by the Chief of Department. Suggestions for correction, modification or expansion of this manual shall be submitted to the Division of Training. Suggestions will be given due consideration, and if adopted, notice of their adoption and copies of the changes made will be made available to all members by the Division of Training.

Joanne Hayes-White
Chief of Department

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**MANAGING EMPLOYEE PERFORMANCE
MANUAL**

PREFACE

The Department's employees are its most valuable resource. They represent the Department to the public every day. It is therefore critical that Department employees' performance and conduct meets Department standards, as well as the high expectations and trust set by the public. Supervisors and subordinates must work together to ensure that the Department fulfills its mission of protecting and saving the lives and property of San Francisco's residents and visitors, while providing a safe and productive workplace for all employees.

Active management by supervisors is critical to the success of the Department's employees, and therefore the success of the Department. This Managing Employee Performance Manual & Procedures Guidebook (Guidebook) is designed to assist Department supervisors, both uniformed and civilian, in managing employees under their supervision. It provides guidance for supervisors on options to acknowledge and encourage employee successes, and steps to follow in taking responsive action to correct performance deficiencies, inappropriate conduct and violations of Department standards.

While every attempt has been made to cover topics relevant to managing employee performance and to ensure accuracy in this Guidebook, no guidebook can be entirely comprehensive. If there is a discrepancy or omission, the current official San Francisco Charter, ordinance, or regulation; Civil Service Commission Rule; applicable collective bargaining agreement; or Department Rule, Regulation or Policy will govern.

This version of the Guidebook supersedes all prior versions. If a supervisor needs more information about any of the topics covered in this Guidebook, the supervisor may contact the Department's Human Resources Division or a higher-level supervisor.

SECTION 1. OVERVIEW OF THE MANAGING EMPLOYEE PERFORMANCE PROCESS

DEPARTMENT MEMBERS HELD TO A HIGH STANDARD

Members of the public rely on the Fire Department and its employees to protect their lives and property during emergencies. Department employees therefore hold a special trust and confidence from the public, and are held to a higher standard than many other City employees. Supervisors are responsible for ensuring that members conduct themselves in a manner consistent with Department standards. Supervisors will be held accountable for enforcing those standards, and documenting their corrective measures in compliance with this Guidebook.

PURPOSE AND SCOPE OF THE GUIDEBOOK

The Guidebook is designed to assist supervisors in meeting their responsibilities for supervising and managing employee performance and conduct. Supervisors are expected to fully understand the Rules and Regulations, General Orders, Policies, and Procedures that govern Department operations, which throughout this Guidebook are referred to as the “Department standards.” In addition, supervisors must be familiar with the Memorandum of Understanding (MOU) applicable to the supervised employees.

This Guidebook focuses on several issues.

- As provided in the Department Rules and Regulations, supervisors must report serious or major violations promptly, and must take prompt action to correct minor problems. If in doubt about the appropriate response, a supervisor should refer to the Department Rules and Regulations and consult with a higher-level supervisor within the chain of command.
- Supervisors have the responsibility to enforce the Department standards fairly and consistently.
- Supervisors must appropriately document their actions in managing employees under their supervision.

Attentive and active supervision can identify potential workplace performance and conduct problems and prevent them from developing into an actual problem. When those problems do arise, an effective supervisor can encourage the employee to make the necessary changes in his or her performance or conduct, to successfully conform to Department standards. Failure to effectively manage employee performance can result in poor or inconsistent work performance, low morale, low productivity, and can potentially place the safety of Department employees and the public in jeopardy.

GENERAL PRINCIPLES FOR MANAGING EMPLOYEE PERFORMANCE

Effective performance management involves regular communication and feedback with employees about their performance. Monitoring performance and providing feedback should not be an isolated discussion, but one that is ongoing. This communication ensures that employees understand the Department standards, the expectations about their work performance and conduct, and how their individual performance measures against those standards and expectations.

GENERAL PRINCIPLES FOR PREVENTATIVE AND CORRECTIVE MEASURES

As this Guidebook indicates, supervisors can take proactive steps or corrective measures, and can initiate disciplinary procedures when necessary, to prevent, address and respond to an employee's poor performance, inappropriate conduct, or other failure to meet Department standards. Supervisors must carefully review the facts and circumstances of each case, and exercise judgment to determine the appropriate response to take in any given employee management situation.

Supervisors can seek to motivate and encourage employees, and prevent performance or conduct problems from developing, using the following techniques:

- Regular feedback regarding performance and conduct
- Recognition of performance and conduct that exceeds standards

When employees exhibit performance deficiencies or engage in inappropriate conduct, the supervisor's goal should be to gain a commitment from the employee to effect a positive change in his or her performance or behavior. There are many options available to bring about that change, including:

- Coaching,
- Additional training in any problem area,
- Sanctions at the company/unit level,
- Oral Warning, and
- Referral to the Chief of Department for potential formal discipline.

Corrective measures should reflect the seriousness of an employee's performance deficiency or misconduct, as well as the employee's prior record. Supervisors do not need to use the options listed above in the order they appear, but should select and use the option most appropriate given an employee's performance or conduct.

Supervisors should be aware that personal concerns – stress, family problems, substance abuse – may be causing an employee's inappropriate performance or conduct in the workplace. While the supervisor is not responsible for solving such concerns, and must focus on an employee's conduct in the workplace, supervisors should remember that referral to the Department's Stress Unit or the City's Employee Assistance Program may be beneficial and appropriate in certain situations.

Also, any supervisors who learns or suspects that a medical condition or physical or

mental disability may be causing an employee's performance problem should contact and consult with personnel in the Department's Human Resources Division, to determine whether the Department needs to initiate the reasonable accommodation interactive process with the employee.

GENERAL PRINCIPLES FOR PROGRESSIVE DISCIPLINE

The Department applies a progressive discipline approach to addressing problem behavior. A progressive discipline approach is intended to ensure that all employees are treated as consistently and fairly as possible throughout the Department.

Progressive discipline has four major purposes:

- To ensure that an employee knows what the problem is;
- To communicate the supervisor's expectations so the employee can correct the problem when provided a reasonable opportunity to improve;
- To provide notice of the penalties for improper conduct, and to impose appropriate penalties; and
- To provide a record of corrective action taken by a supervisor.

CONFIDENTIALITY

Personnel matters are private and confidential. Supervisors must take reasonable steps necessary to protect employee privacy in discussing problem performance or conduct. Supervisors must maintain the confidentiality of any personnel actions they take, and any documentation of those actions.

SECTION 2. OPTIONS FOR MANAGING EMPLOYEE PERFORMANCE AVAILABLE TO SUPERVISORS

There are numerous options available to supervisors to prevent or respond to employee performance or conduct issues.

COMMUNICATION AND FEEDBACK

Supervisors should attempt to provide immediate, detailed and clear feedback to employees about their performance and conduct. Prompt feedback contributes to an employee's overall understanding of his or her performance and results, in the context of the actual work performed.

Supervisors should take advantage of opportunities to recognize and reinforce strong performance. Providing this feedback can be critical in an employee's continued success and motivation to meet performance standards and expectations. This type of recognition works to prevent problem situations from developing.

Supervisors must also promptly identify and encourage improvement where needed. Supervisors must not allow problem performance or conduct to persist. The longer a supervisor waits to discuss a problem situation with an employee, the greater the possibility for serious consequences to arise. Neglecting an issue only makes the situation worse. Helping an employee identify areas where additional development or improvement is needed benefits the employee by ensuring that the employee has the knowledge, skills and abilities need to safely perform the job.

When identifying areas for improvement, supervisors must clearly and succinctly articulate the issues for the employee, and explain the performance or conduct that is expected under Department standards.

Supervisors should use the employee evaluation process as an opportunity to summarize their on-going communications with employees about areas of strength and weakness in the employee's performance and conduct.

RECOGNITION

Recognizing and acknowledging when an employee or group of employees has performed well can be a proactive and powerful tool for shaping and reinforcing desired performance and conduct.

Verbal recognition is a simple way that a supervisor can support and encourage continued performance and conduct that meets or exceeds Department standards. Acknowledging an employee's effort, telling an employee that a job was well done, or

recognizing an employee's contribution to a project is an easy yet effective way to motivate an employee to continue his or her good performance.

Supervisors should also consider, where appropriate, recognizing and rewarding superior performance or conduct by completing a General Form describing the performance or conduct, attaching any relevant materials, and forwarding that form to the Chief of Department through the chain of command. Completed forms will be reviewed and where deemed appropriate by the Chief of Department, referred to the Fire Commission for a Class A, Class B, or Class C award, or a Unit Citation or Letter of Commendation.

COACHING

Coaching is an important tool that can help a supervisor shape an employee's performance and conduct, and increase the likelihood that the employee will meet Department standards and expectations. Coaching is appropriate for performance deficiencies and minor first offenses. The objective is to inform the employee of the performance deficiency or misconduct, and offer specific direction and assistance to improve the performance or correct the problem.

During a coaching session, the supervisor should focus on only one or two specific aspects of an employee's performance or behavior. The supervisor should conduct the coaching session in a private meeting held in a location free from distractions and interruptions.

During a coaching conference, a supervisor must:

- Confirm that the employee understands the relevant Department standards, and the purpose and importance of those standards. Where necessary, the supervisor must explain the standards and the purposes served by the standards;
- Explain to the employee the specific conduct that violated Department standards, and the potential impacts of that conduct, for example on Department operations, safety or employee morale;
- Ask the employee to explain the reason for his or her conduct;
- Discuss with the employee the specific measures that the employee must take to improve his or her performance or conduct and, where possible, obtain agreement from the employee on the solution to change.
- Set a timeframe for improvement and follow-up on the problem;
- Ask the employee if he or she is familiar with the Department's disciplinary process. The supervisor must explain any aspect of the disciplinary process that the employee does not understand; and
- Explain the potential consequences of continued poor performance or misconduct.

If the supervisor is uncertain of how to answer any questions posed by the employee during the coaching session, the supervisor must seek further guidance from higher-level officers through the chain of command.

For certain performance deficiencies or conduct problems, it may be appropriate for a supervisor to coach an employee about the problem more than once. However, supervisors must progress the corrective measures where coaching fails to result in improved performance or conduct after several coaching sessions. If a minor problem continues and becomes a serious one, the supervisor must refer the matter to the Chief of Department for potential disciplinary action.

Documentation. A supervisor is not required to document a coaching session. If a supervisor wishes to document the coaching session, the supervisor should prepare a General Form promptly after the coaching session, before the end of the shift when the coaching session was conducted. The General Form should include the following information:

- The date of the coaching session;
- The participants to the coaching session, including name, rank and assignment;
- Specific information about the reason for the coaching, i.e., a complete and factual description of the performance or conduct problem exhibited by the employee;
- Any previous actions taken regarding the current performance or conduct problem, i.e., prior coaching, training, company-level sanctions, etc.;
- The performance or conduct improvement expected of the employee, and any agreement by the employee to improve; and
- Any follow-up scheduled to review the problem.

The supervisor must review any General Form with the coached employee, and offer the employee an opportunity to sign the General Form. The employee's signature is to indicate that he or she is aware of the General Form and its contents. If the employee refuses to sign the Form, the supervisor must note the date and time the supervisor showed the General Form to the employee, document that the employee refused to sign, and have the employee initial the Form noting the refusal to sign. The supervisor must provide a copy of the General Form to the employee, and then send the General Form to the Deputy Chief of Operations through the chain of command. Battalion Chiefs and higher-level supervisors shall review any General Forms documenting coaching sessions to ensure consistent corrective measures for similar offenses. The Deputy Chief of Operations will maintain all General Forms documenting coaching sessions.

ADDITIONAL TRAINING IN THE PROBLEM AREA

Ongoing training is essential to ensuring that Department employees know and can safely perform the skills and duties required for their job. At times, an employee may need additional training beyond that routinely provided for all Department employees. When an employee's performance evidences a lack of knowledge of Department protocols and procedures, or a need for improvement in performing a particular skill or task, the supervisor should consider whether additional specialized training is warranted. A supervisor may conduct training at the company/unit level, or may submit a request to the Deputy Chief of Operations through the chain of command, requesting additional training for the employee at the Division of Training.

SANCTIONS AT THE COMPANY LEVEL

If a supervisor has previously discussed poor performance or inappropriate conduct with an employee but the employee has not improved his or her performance or conduct, the supervisor may initiate company-level sanctions. Also, if a supervisor finds or if Department policy provides that the employee's problem, while minor, warrants direct imposition of company-level sanctions, the supervisor may impose an appropriate sanction. Sanctions at the company level are only appropriate for minor problems.

Company-level sanctions may include restrictions of trades, assignment of details or watches without credit, and other sanctions authorized by the Rules and Regulations or Station Policy.

Documentation Requirement. When a supervisor imposes a company-level sanction, the supervisor must prepare a General Form documenting the sanction promptly after imposing that sanction, before the end of the shift when the supervisor imposed the sanction. The General Form should include the following information:

- The name, rank and assignment of the employee and supervisor;
- The date the supervisor imposed the company-level sanction;
- The type and duration of the sanction imposed;
- Specific information about the reason for the sanction, i.e., a complete and factual description of the performance or conduct problem exhibited by the employee;
- Any previous actions taken regarding the current performance or conduct problem, i.e., prior coaching, training, company-level sanctions, etc.;
- The performance or conduct improvement expected of the employee, and any agreement by the employee to improve; and
- Any follow-up scheduled to review the problem.

The supervisor must review the General Form with the employee, and offer the employee an opportunity to sign the Form. The employee's signature is to indicate that he or she is aware of the General Form and its contents. If the employee refuses to sign the General Form, the supervisor must note the date and time the supervisor showed the General Form to the employee, document that the employee refused to sign, and have the employee initial the General Form noting the refusal to sign. The supervisor must provide a copy of the General Form to the employee, and then send the General Form to the Deputy Chief of Operations through the chain of command. Battalion Chiefs and higher-level supervisors shall review General Forms documenting company-level sanctions to ensure consistent corrective measures for similar offenses. The Deputy Chief of Operations will maintain all General Forms documenting company-level sanctions.

ORAL WARNING WITH DOCUMENTATION

At times, a supervisor may conclude that it is necessary to provide an informal verbal

admonishment (“oral warning”) to an employee about his or her minor performance or conduct problem, in order to gain the necessary commitment to change from the employee. A supervisor may use this option after other efforts to change a minor problem have failed or where the nature of the poor performance or inappropriate conduct warrants an oral warning as an initial response.

An oral warning must specify the applicable Department standards, thoroughly and clearly describe the supervisor’s performance or conduct expectations and the specific problem with the employee’s performance or conduct, and explain that if the employee’s performance or conduct is not modified to meet to the supervisor’s standards and expectations, that a disciplinary referral to the Chief of Department will follow.

Generally, an oral warning is appropriate for a second incident of a minor infraction of Department standards, for example a uniform violation, for a first time minor safety violation, or for infrequent tardiness. When a supervisor decides to issue an oral warning, the supervisor must schedule a conference with the employee as soon as possible after the performance or conduct problem occurs. In the conference, the supervisor should cover the same areas as he or she would cover in a coaching session, except that the supervisor must explicitly inform the employee that continued poor performance or misconduct will result in the supervisor referring the matter to the Chief of Department for potential formal disciplinary action. In the conference, the supervisor must:

- Explain to the employee the specific conduct that violated Department standards, and the potential impact of that conduct, for example on Department operations, safety or employee morale;
- Confirm that the employee understands the Department standards violated, and the purpose and importance of those standards. Where necessary, the supervisor must explain the standards and the purposes served by those standards;
- Review any prior coaching or other corrective measures related to the same performance or conduct problem;
- Ask the employee to explain the reason for his or her conduct;
- Discuss with the employee the specific measures that the employee must take to improve his or her performance or conduct, and set a specific and reasonable timeframe for improvement;
- Review the Department’s disciplinary process with the employee, and inform the employee that if the performance or conduct problem repeats or continues, the supervisor will refer the matter to the Chief of Department for potential formal disciplinary action.

Documentation Requirement. When a supervisor issues an oral warning to an employee, the supervisor must complete a General Form documenting the oral warning, before the end of the shift when the supervisor issued the oral warning. The General Form must include the following information:

- The name, rank and assignment of the employee and supervisor;
- The date the supervisor met with the employee and issued the oral warning;
- Specific information about the reasons for the warning, i.e., a complete and factual

- description of the performance or conduct problem exhibited by the employee;
- A description of any previous actions taken regarding the current performance or conduct problem, i.e., prior coaching, training, company-level sanctions, etc.;
- A description of the effect of the performance or conduct problem, e.g. on Department operations, safety, company/unit morale.
- The performance or conduct improvement expected of the employee, and any agreement by the employee to improve;
- The timeframe set for improvement and follow-up on the problem; and
- Confirmation that the supervisor informed the employee that if the problem repeats or continues, the supervisor will refer the matter to the Chief of Department for potential formal disciplinary action.

The supervisor must review the completed General Form with the employee, and offer the employee an opportunity to sign the Form. The employee's signature is to indicate that he or she is aware of the General Form and its contents. If the employee refuses to sign the General Form, the supervisor must note the date and time the supervisor showed the General Form to the employee, document that the employee refused to sign, and have the employee initial the General Form noting the refusal to sign. The supervisor must provide a copy of the General Form to the employee, and then send the General Form to the Deputy Chief of Operations through the chain of command. Battalion Chiefs and higher-level supervisors shall review such General Forms to ensure consistent corrective measures for similar offenses. The Deputy Chief of Operations will maintain all General Forms documenting oral warnings.

SECTION 3. DISCIPLINE PROCESS

SUPERVISOR'S REFERRAL TO CHIEF OF DEPARTMENT

If a supervisor determines that an employee's performance deficiency or misconduct constitutes a serious or major problem, or if the employee has not corrected his or her minor performance or conduct problem within a reasonable time following corrective measures, the supervisor should refer the matter to the Chief of Department for potential disciplinary action. If the employee's problem is a major one, the supervisor should also consider whether it is necessary to take any immediate actions to respond to the performance problem or misconduct.

In deciding whether an employee's performance or conduct problem is serious or major, requiring referral to the Chief of Department, the supervisor may consider the following factors:

- The nature and severity of the performance deficiency or misconduct;
- Whether the performance deficiency or misconduct involved repeated or multiple acts;
- Whether the performance deficiency or misconduct resulted in injury or death;
- Whether the performance deficiency or misconduct endangered the employee; other Department employees or the public;
- Whether the performance deficiency or misconduct resulted in damage to public or private property, and
- The level of public confidence being compromised by the performance deficiency or misconduct.

A supervisor must submit any referral to the Chief of Department through the chain of command. The supervisor must include with the referral any documents related to the reported performance or conduct problem, including but not limited to general form reports, journal pages, documentation of counseling sessions or company level sanctions, accident reports, police reports, time rolls, and other items pertinent to the Chief of Department's consideration.

DISCIPLINE BY THE CHIEF OF DEPARTMENT AND FIRE COMMISSION

The Chief of Department or a designee will determine whether an investigation is warranted and if so, the nature and scope of the investigation. After an investigation of a referred matter, the Chief of Department may take the following actions:

- Determine that no breach of duty or misconduct occurred and close the referred matter,

SECTION 3. DISCIPLINE PROCESS

- Direct counseling for the performance deficiency, breach of duty or misconduct,
- Issue a letter of reprimand based on the performance deficiency or misconduct
- For uniformed employees:
 - Impose a suspension not to exceed 10 days, or
 - File a verified complaint with the Fire Commission, with a request for a specific level of discipline (suspension in excess of 10 days or termination of employment).
- For civilian employees:
 - Impose a suspension not to exceed 30 days, or
 - Terminate the employee from employment.

A uniformed employee may appeal any suspension imposed by the Chief of Department to the Fire Commission. The Fire Commission will conduct a trial on any appeal filed by a uniformed employee, and will conduct a trial on any verified complaint filed by the Chief of Department against a member. After a trial, if the Commission determines that the uniformed member is guilty of a breach of duty or misconduct, the Commission may impose the discipline requested by the Chief of Department, or discipline that is greater or less than that requested by the Chief. The Fire Commission may impose the following discipline:

- Reprimand;
- Fine not exceeding 1 month's salary for each offense;
- Suspension for a period not exceeding 3 calendar months for each offense; or
- Dismissal from City employment.

Civilian employees generally have appeal/grievance rights under the Memorandum of Understanding between the employee's union and the City and County of San Francisco.

FINAL DISCIPLINE

Paperwork regarding any final discipline imposed after any appeal process will be included in the employee's official personnel file.

SECTION 4. SPECIAL CONSIDERATIONS

REPRESENTATION

Employees have a right to representation only during investigative interviews, which occurs when a supervisor is questioning an employee to obtain information that could be used as a basis for discipline against the employee. Employees are not entitled to representation during a counseling, instruction or oral warning session, or other routine contact with a supervisor.

MAJOR MISCONDUCT WARRANTING IMMEDIATE ACTION

If a supervisor believes that an employee has engaged in serious misconduct that might warrant immediate action or interim measures, for example, in cases of employee violence or potential criminal conduct, then that supervisor must immediately orally report the matter to the Chief of Department through the chain of command.

EEO MATTERS

As described in the Department's EEO Policy and Complaint Process, all Department supervisors must help ensure that the Department provides a workplace free from discrimination and harassment based on an individual's actual or perceived sex, race, religion, disability, or other protected category, and free from retaliation for reporting or taking other protected action regarding potential or actual discrimination or harassment. If a supervisor believes that an employee may have violated the Department's EEO Policy, the supervisor must take the following steps:

- Immediately report the matter directly to the Department's Human Resources (HR) Division. The report may be made verbally or in writing, and must occur within 24 hours, or the next business day following a weekend or holiday. For reporting potential EEO matters, the chain of command is from the supervisor who learns of the matter directly to the HR Division.
- Take immediate corrective action to diffuse the situation and provide some initial remedy, as appropriate. For assistance on whether immediate corrective action is necessary and if so what measures to take, a supervisor should contact the HR Division during business hours, or an appropriate Division Chief after business hours or on weekends or holidays.
- If the supervisor reports the potential EEO matter orally, the supervisor must also prepare a General Form documenting the facts and circumstances around the possible EEO violation and the notification to the HR Division, and forward that General Form directly to the HR Division.

Supervisors also must take reasonable steps to protect Department employees from potential discrimination, harassment and retaliation by third parties. If a supervisor believes that a Department employee has been subjected to discrimination, harassment or retaliation from a

non-Department employee, the supervisor must report the concern directly to the Department's HR Division and document it in a General Form sent directly to HR.

INTERPERSONAL DISPUTES

Interpersonal disputes and conflicts between employees can have significant adverse effects on the workplace, including on productivity, teamwork and morale. Conflicts between employees can occur for a range of reasons including personal differences or differences in approach

Supervisors must respond to these conflicts promptly. Ignoring the initial dispute or conflict can result in the issue festering and compounding, and can potentially lead to more serious problems.

The supervisor should speak with the involved employees individually, and potentially other employees, to obtain information about the conflict and potential steps to resolve the underlying concerns and issues. If appropriate, the supervisor should conduct a joint discussion with both employees, in an effort to facilitate resolution of the dispute. The supervisor must remind the employees that they are expected to behave in a professional and respectful manner to others in the workplace. As appropriate, the supervisor may consider referral to the Department's Stress Unit or the City's Employee Assistance Program.

EMPLOYEES NOT NORMALLY UNDER IMMEDIATE SUPERVISION

Department supervisors often are responsible for supervising employees who are not normally under that supervisor's immediate supervision. This may occur, for example, when an employee is detailed to another company or unit. Supervisors must ensure that these employees comply with all Department standards, and must take appropriate steps to respond to poor performance or inappropriate behavior.

If a supervisor imposes company-level sanctions or issues an oral warning to an employee who is not normally under the supervisor's immediate supervision, the supervisor must inform the employee's regular supervisor verbally, and then prepare the required documentation for the corrective measures taken and forward that paperwork to the Deputy Chief of Operations through the chain of command.

SECTION 5. DOCUMENTATION REQUIREMENTS

Timely and thorough documentation is a vital aspect of managing employee performance and pursuing progressive discipline if an employee fails to improve his or her performance or conduct. Appropriate documentation ensures that the employee and Department both have a record of identified performance or conduct problems, and the measures taken to address deficiencies and correct conduct problems. Supervisors must prepare required documentation promptly and follow procedures for that documentation.

The Department's HR Division maintains each employee's Official Personnel File. In addition, the Deputy Chief of Operations maintains a file for each employee that includes any memos documenting coaching sessions, company-level sanctions, and Oral Warnings.

Supervisors must not maintain files for individual employees at the station/unit level, and must not retain copies of any General Forms documenting coaching sessions, company sanctions or oral warnings. In addition, Supervisors should not document personnel actions in the company journal.

**MANAGING EMPLOYEE PERFORMANCE
PROCEDURES GUIDEBOOK**

SECTION 1. INTRODUCTION

Although managing employees and initiating the discipline process is a tough part of any supervisor's job, effective and active management is vital to maintaining Department standards. Employee attendance, work performance, and job behavior must meet acceptable standards.

The purpose of corrective and disciplinary measures is to correct poor performance and improper conduct. Most employees only require ongoing day-to-day feedback, training, and coaching. If lapses from Department standards occasionally occur, an informal conversation or a coaching session about the problem and the need for change may be all that is required to redirect the employee's performance or behavior. When these steps are ineffective, however, or when a serious breach of duty or misconduct occurs, a supervisor must take further measures to respond to the problem.

Supervisors often avoid taking any corrective or disciplinary action, even when it is fully appropriate, because they recognize that it can create certain problems. Some supervisors, who have not acquired the skills needed to conduct discussions of performance or conduct problems as a mature business transaction, avoid doing it at all.

The Department faces tremendous risks, however, if supervisors mismanage performance or conduct concerns. For example, the employee with the performance or conduct problem may react to the supervisor's efforts with anger, resentment, or apathy, or attendance problems may develop. Failing to take steps to remedy performance and conduct problems is equally harmful. Effective employees resent the Department's failure to take appropriate action with employees who are not pulling their weight. The failure to respond also encourages the offending employee to continue the poor performance or misconduct.

But the skills of maturely and effectively managing employees, particularly employees exhibiting performance deficiencies or conduct problems, can be learned and, when applied, will produce significant benefits to the employee experiencing a performance or conduct problem, that employee's coworkers, the supervisor, and the Department.

The Managing Employee Performance program is designed to teach supervisors effective skills for preventing and, as necessary, correcting performance and conduct problems by using to the full extent all the options available, up to and including a disciplinary referral to the Chief of Department.

SECTION 2. PROGRAM OBJECTIVES

Though many performance deficiencies and conduct problems warrant a prompt and strong response, the primary objective of this program is to encourage proactive management to prevent employee problem performance or conduct, to provide supervisors with the tools to correct any problems while they are minor, and to thus reduce the need for referral to the Chief of Department for potential disciplinary action. Other objectives of the Managing Employee Performance program include:

1. To build a supervisor's self-confidence in handling performance and conduct problems, and to eliminate feelings of guilt or hesitation that the supervisor may have in taking corrective measures or initiating the disciplinary process.
2. To teach supervisors a basic five-step model for handling problem performance and misconduct issues.
3. To enable supervisors to identify problems in terms of desired and actual performance and to eliminate the use of generalities or judgments.
4. To assist supervisors in identifying the operational problems presented by specific employee performance deficiencies or deviations from Department standards.
5. To teach supervisors how to encourage employee self-discipline, so the employee takes responsibility for correcting problem performance or conduct and engaging in appropriate behavior.
6. To help supervisors identify and convey the consequences that an employee might face if he or she chooses not to correct the problem.
7. To enable supervisors to conduct effective discussions with an employee with a performance or conduct problem, and to gain the employee's agreement to correct the situation.
8. To assist supervisors with properly documenting preventative and corrective measures consistently, accurately, and non-judgmentally.
9. To provide guidance to supervisors about how to follow up a conference with an employee, and the steps to take, up to and including referral to the Chief of Department, if performance or conduct does not improve and the employee fails to respond.

SECTION 3. PROBLEMS WITH “PUNISHMENT”

Traditional discipline models often involve autocratic corrective or disciplinary measures, where a supervisor directs improvement without discussion or involving the employee in reaching an effective solution.

APPROACHES TO CORRECTING PROBLEM PERFORMANCE OR CONDUCT

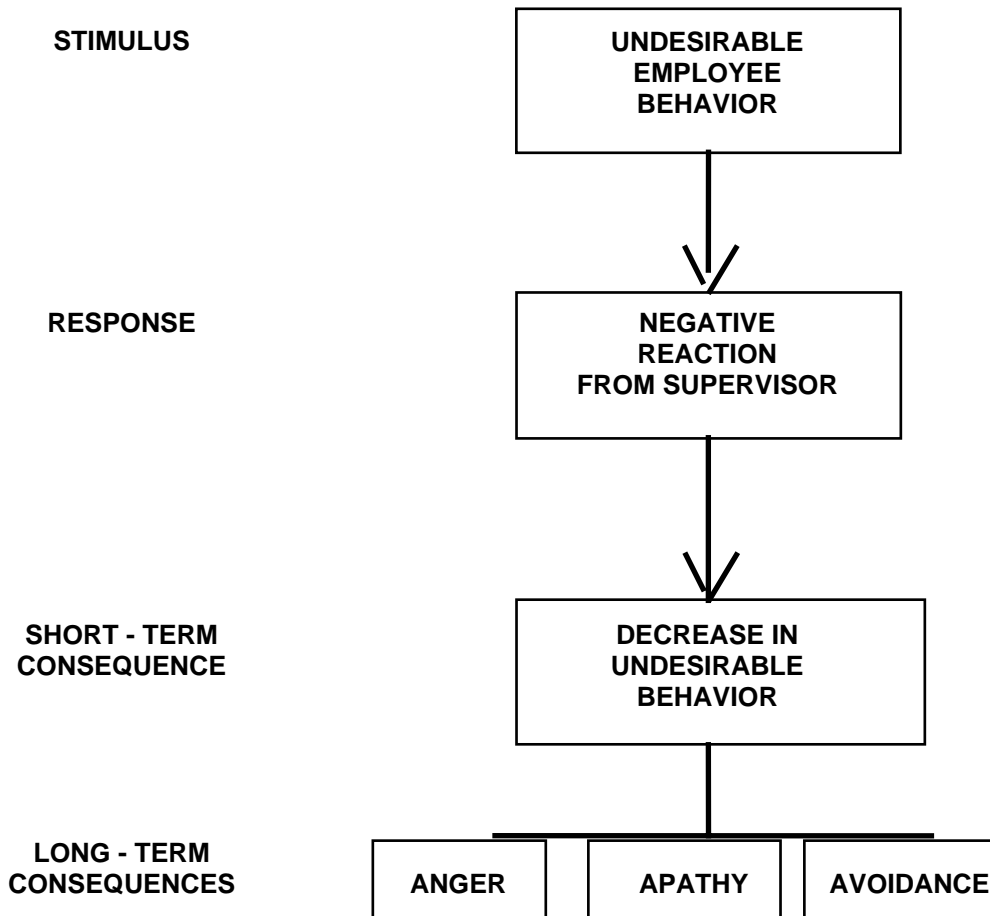
ELEMENT	TRADITIONAL	MANAGING EMPLOYEE PERFORMANCE
GOAL	Compliance	Commitment
FOCUS	Employee	Problem
RESPONSIBILITY	Supervisor	Employee
TIME FRAME	Past	Future
COMMUNICATION DIRECTION	AT the employee	WITH the employee
MODE	Parent to Child	Adult to Adult
PROCESS	Punishing	Interactive
CLIMATE	Authoritarian	Collaborative

While there are times when it is appropriate for a supervisor to simply direct an employee to perform his or her duties or to take actions to comply with Department standards, for certain types of performance or conduct problems, this management style can be perceived as punitive and may not produce long-term success.

Using “punishment” – for example, imposing company-level sanctions, issuing an oral

warning, or placing someone on suspension – to correct an employee’s performance or conduct problem may be successful in getting a person to change his or her conduct. But imposing “punishment” does not engage the employee in the discussion of the problem or the development of a solution. Therefore, while “punishment” may have short-term results in correcting employee performance or conduct, it may not result in long-term change and in some cases might create undesired consequences, such as increased resentment or avoidance of the supervisor, apathy, low morale, and absenteeism.

CONSEQUENCES OF PUNISHMENT



While the traditional approach may be perceived as a parent-child type interaction, with the supervisor punishing an employee for misbehavior, the Managing Employee Performance program focuses on treating the supervisor and the employee as adults who can mutually work together to solve a workplace problem. This approach greatly increases the probability that problems will be solved, and tends to build the employee’s commitment to change and improvement. It also creates a healthier and more collaborative working environment, since the supervisor approaches problems as a coach and not as a dispenser of punishment.

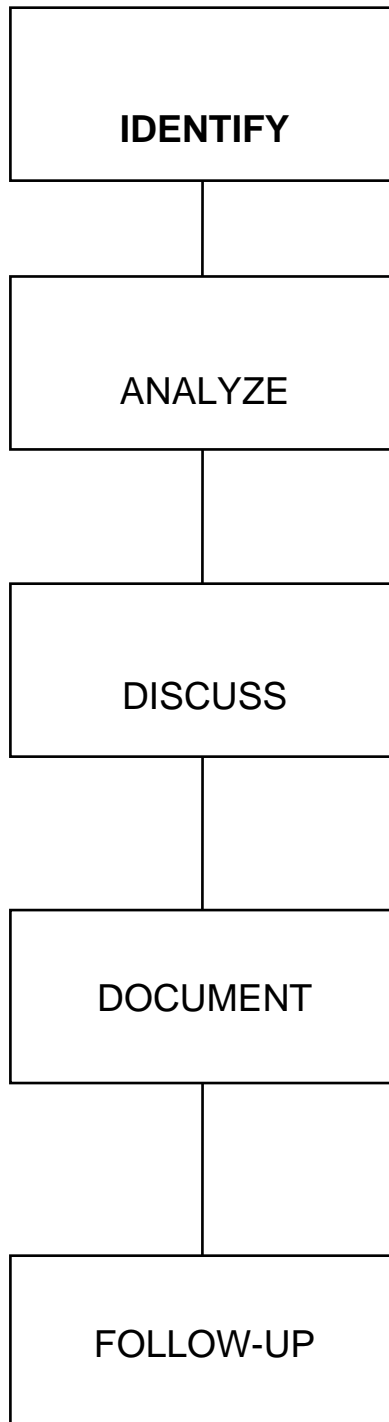
MANAGING EMPLOYEE PERFORMANCE MODEL

The Managing Employee Performance process involves five steps for a supervisor to follow in responding to employee performance or conduct problems. Those steps include:

- IDENTIFYING desired and actual performance or conduct;
- ANALYZING the problem, including the impact of the problem on Department operations, the potential consequence for the employee and action steps to take going forward;
- DISCUSSING the problem with the employee, gaining the employee's agreement to change, discussing alternatives, deciding on the appropriate actions the employee should take to improve; and
- DOCUMENTING the discussion and agreement; and
- FOLLOWING-UP with the employee to confirm improved performance or conduct and to take additional action if the problem is not resolved.

This Guidebook covers each of these steps.

SECTION 4. STEP ONE: IDENTIFY



1. Determine DESIRED performance.
2. Determine ACTUAL performance.
3. Focus on SPECIFICS.

IDENTIFYING WHEN TO USE NON-DISCIPLINARY OR DISCIPLINARY MEASURES

Under the Managing Employee Performance program, supervisors have several options available to prevent and correct problem performance or conduct.

Feedback and Recognition. Supervisors may prevent problems through regular communication and feedback, and by recognizing good performance.

Non-Disciplinary Response. Supervisors can address minor problems through coaching, additional training, company-level sanctions, or issuing an oral warning. All these steps are “non-disciplinary” options available to the supervisor.

Disciplinary Response. If a problem is serious or major, or if minor problems continue uncorrected, a supervisor may need to initiate the discipline process by referring a matter to the Chief of Department. Referral to the Chief of Department begins the “disciplinary” response to a problem. After an investigation, the Chief of Department may take disciplinary action in response to employee performance deficiencies or misconduct, either at the Chief of Department level or by filing a verified complaint with the Fire Commission.

EXERCISE: NON-DISCIPLINARY VERSES DISCIPLINARY MEASURES – QUESTIONS

For each problem below, determine whether a non-disciplinary or disciplinary response would be appropriate.

1. You return to your company after attending a morning training course, and find that members have rearranged the Comm. Room. All communication equipment, though still functional, has been relocated. Electrical wires are now strung across the main walkway.

Disciplinary _____ Non-Disciplinary _____

2. In reviewing EMT Smith’s patient assessment skills, you noticed he doesn’t fully understand the vitals that he obtains. You’ve spoken to him once before about the need to improve his skills, but he obviously didn’t get the point.

Disciplinary _____ Non-Disciplinary _____

3. ISS Smith always balances her district, her reports are always completed on time, and she seldom makes an error. You have noticed lately that when she talks on the main line, she often loses her temper and ends up shouting and hanging up the phone in anger.

Disciplinary _____ Non-Disciplinary _____

4. Two firefighters at your station are obviously having some kind of conflict. They walk by each other without speaking and glare at each other during meals. Further, you've noticed recently that each of them is gossiping with other firefighters about the other's faults.

Disciplinary _____ Non-Disciplinary _____

5. At a scene just after having successfully suppressed a three alarm fire, you notice that FF Smith is standing around while the other members of your crew are engaging in clean up. You approach FF Smith and instruct him to clean up the scene with the other members. "Nah!" replies FF Smith, "There're already plenty of firefighters doing it. You don't need me."

Disciplinary _____ Non-Disciplinary _____

6. FF Smith really does a good job, and he lets everyone else know it. Recently, he started taking credit for the work that other people are doing. His co-workers are starting to complain about his hogging all of the credit.

Disciplinary _____ Non-Disciplinary _____

7. Lt. Johnson used to do five R1 inspections per week that were error-free. In the last couple of weeks, her rate has declined seriously. You talked to her last week when you saw that her average had dropped down to three reports per week. You just received this week's report. Lt. Johnson's completed just one report for the week.

Disciplinary _____ Non-Disciplinary _____

8. FF Smith does get the job done, but that's about all. He's a master of whining, sees himself as "poor me," and he suffers like a martyr.

Disciplinary _____ Non-Disciplinary _____

9. FF Smith, who happens to be the house collector, does a good job when she's here. But, she isn't here much because of trades, sick pay, TC, etc. Her attendance shows that in the last two months, she worked only five watches. On the other watches that she was due to work (12 watches), she took sick pay, TC, vacation, etc. As a result, her duties as house collector have been neglected. Now, the phones have been cut off, the cable TV has been cut, there's no coffee, the soda machine is empty, and none of the house dues have been deposited in the bank - they're still sitting in the box.

Disciplinary _____ Non-Disciplinary _____

10. You caught FF Smith red-handed. You saw her go through the driver's locker and take out two spanners. She acted so suspiciously that you confronted her as she left at the end of the watch. When you asked her to open her

backpack, she paused for a moment, looked at you, then pulled out the two spanners and handed them over.

Disciplinary _____

Non-Disciplinary _____

EXERCISE: NON-DISCIPLINARY VERSES DISCIPLINARY MEASURES – ANSWERS

Depending on their backgrounds and experiences, different supervisors might reach different conclusions on whether the best response in each of these situations is a non-disciplinary or a disciplinary one. In each case, however, a conversation with the employee about the problem would be appropriate, regardless of whether the supervisor decides to refer the matter to the Chief of Department for potential discipline.

1. **NON-DISCIPLINARY**

A supervisor should hold a meeting with the members of the company to emphasize the importance of safety and preventing injury to themselves, from unnecessarily moving heavy furniture, and potential injury to others from the electrical wires.

2. **NON-DISCIPLINARY**

From the facts we have, it appears that the EMT simply doesn't have the knowledge, ability, or skills required to do the job. When the person doesn't have the skills required to do the job, disciplinary action can't give it to them. *Training* would be a good solution here.

3. **NON-DISCIPLINARY**

It would likely be premature to make a disciplinary referral for this employee who has lately started doing this. *Coaching* is more suitable in this case.

4. **NON-DISCIPLINARY**

In this situation, the supervisor needs to talk to the two firefighters – either together or individually -- to find out what's causing the difficulty between them and then work out an effective strategy. *Conflict resolution* is a better approach than a disciplinary referral.

5. **DISCIPLINARY**

This is a case of insubordination ... the direct refusal of an employee to do a job and comply with a supervisor's directive. The supervisor should refer this situation to the Chief of Department, and also take steps to ensure FF Smith performs clean up.

6. **NON-DISCIPLINARY**

This is a real annoyance, but not a situation where disciplinary referral would be appropriate. In a case like this, *coaching* by the supervisor is required.

7. **DISCIPLINARY or NON-DISCIPLINARY**

In this case, a disciplinary referral could be appropriate if the officer has made

sure that there are no obstacles that prevents the employee from performing at the required quantity level, particularly since the employee previously performed at a better-than-acceptable level rate. On the other hand, either *training* or *coaching* could also be justified, since there may be some underlying problem.

8. NON-DISCIPLINARY

Nobody likes a whiner. But the employee does get the job done. The issue is more his approach to the job. It would be very difficult to justify disciplinary action, but bringing the problem to the employee's attention through a *coaching* session might help bring about change.

9. DISCIPLINARY

Attendance is certainly an area where disciplinary action is appropriate to bring about a change. Matters at the Station are being adversely affected by the member's absence and if the person isn't there, the job doesn't get done.

10. DISCIPLINARY

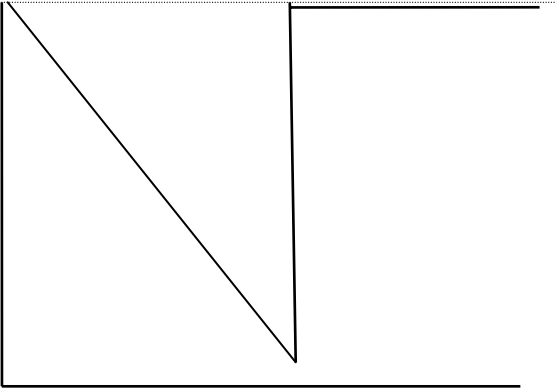
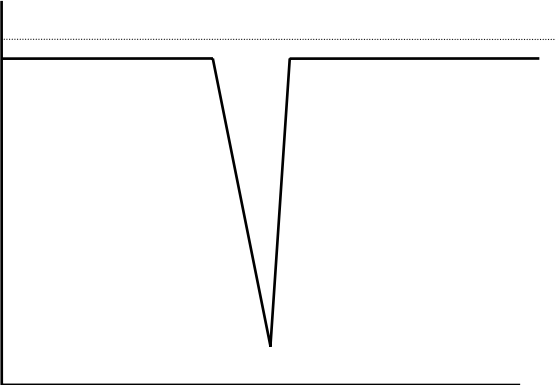
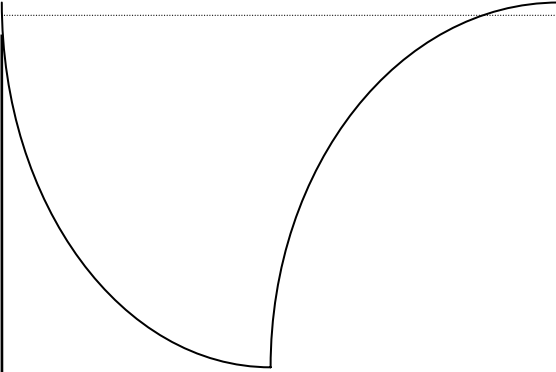
Theft is a major offense that must be referred to the Chief of Department – whether the employee has had any previous disciplinary problems or not.

IDENTIFYING THE TYPE OF PROBLEM PRESENTED

Employee problems often fall into one of three categories:

1. Attendance
2. Conduct (following work rules)
3. Performance

PATTERNS OF PROBLEMS

PROBLEM	PATTERN
<p>Attendance problem.</p> <p><i>Attendance</i> problems tend to develop slowly over time. Coaching is appropriate for initial or infrequent attendance issues, and usually results in immediate improvement. If the employee’s attendance problems continue, the supervisor should refer the matter to the Chief of Department.</p>	 <p style="text-align: center;">TIME</p>
<p>Conduct problem.</p> <p><i>Conduct</i> problems are typically single incidents, such as a rule violation (i.e. smoking in a restricted area). The supervisor tends to confront the situation immediately, and the employee immediately corrects the problem.</p>	 <p style="text-align: center;">TIME</p>
<p>Performance problem.</p> <p><i>Performance</i> problems tend to develop gradually over time. After the supervisor talks to the employee, there is a performance improvement. However, it may take some time before the problem is fully corrected.</p>	 <p style="text-align: center;">TIME</p>

ACTUAL VERSES DESIRED PERFORMANCE

Desired performance is competent and effective, and consistent with Department standards. When an employee's performance or conduct is below desired levels, the supervisor must identify the actual performance compared to the desired performance. This step can be particularly difficult because of the tendency to:

- Be general and judgmental instead of factual and specific; and
- Describe an employee's attitude or personality instead of actual behavior and performance.

Dealing with people in terms of generalizations, judgments, or attitudinal factors is unproductive for two reasons:

- It doesn't give the employee information on exactly what he or she should do differently; and
- It tends to make the employee more defensive or resentful.

EXERCISE: DISTINGUISHING SPECIFICS FROM GENERALIZATIONS – QUESTIONS

Listed below are twelve statements describing employee problem performance or conduct. Some are specific statements; others contain judgments or generalizations about the employee's performance or behavior. For each statement, indicate whether it is a specific or general (judgmental) statement.

For each statement identified as "general," underline the words reflecting the generalization or judgment.

1. FF Smith continuously calls in for standbys to say he will be late.

Specific _____ General _____

2. FF Smith is not properly concerned about safety.

Specific _____ General _____

3. Twice in the last three watches, the levels of Oxygen in the tanks were below 500. FF Smith is responsible for maintaining this equipment.

Specific _____ General _____

4. When completing reports, ISS Smith did an inadequate job.

Specific _____ General _____

SECTION 4. STEP ONE: IDENTIFY

5. PX Smith performed poorly on the last three standpipe drills when he failed to have the standpipe system charged within the 45 second time standard.

Specific _____ General _____

6. FF Smith is slow in getting on the rig.

Specific _____ General _____

7. On three occasions in the last two weeks, FF Smith left work prior to being relieved.

Specific _____ General _____

8. FF Smith, one of your top employees, is starting to get bored with his job. He doesn't attend to work properly and is late on completing his assigned chores.

Specific _____ General _____

9. FF Smith, a new member, is rude when answering the main line. She doesn't state her name and station when answering the phone, and told one caller to call back later without giving the Chief the message that Headquarters had called for him.

Specific _____ General _____

10. Lt. Johnson gave inappropriate ratings to a firefighter's performance review. The firefighter had not been performing at standard level, yet Lt. Johnson gave the member high marks.

Specific _____ General _____

11. ISS Smith did not complete the reports assigned to him by the Battalion Chief. He did not note all the details of the incident in sections 3, 4, and 5, nor did he check the report to insure it was signed and dated.

Specific _____ General _____

12. FF Smith has a lousy attitude.

Specific _____ General _____

EXERCISE: DISTINGUISHING SPECIFIC FROM GENERAL PROBLEMS – ANSWERS

Item	Answer	Generalization
1.	General	"...continuously calls in..."
2.	General	"...not properly concerned..."
3.	Specific	
4.	General	"...did an inadequate job."
5.	Specific	
6.	General	"...is slow..."
7.	Specific	
8.	General	"...is getting bored with his job...doesn't attend to work properly...is late in completing assigned chores."
9.	Specific	
10.	General	"...inappropriate ratings...not performing at standard level...gave the member high marks."
11.	Specific	
12.	General	"...lousy attitude."

TURNING GENERALIZATIONS INTO SPECIFICS

The more specifically a supervisor can prepare a "problem statement," the easier it will be to discuss the problem and get the employee to agree to change.

In identifying a problem, it's useful to think of **SAM** -- an acronym for the three characteristics of a good problem statement.

- It's Specific - concrete.
- It's Attainable - An employee can do what is required.
- It's Measurable - We can tell exactly whether the employee is doing the job right or wrong.

SUMMARY OF STEP ONE: IDENTIFY

In Step One: **IDENTIFY** of the Managing Employee Performance process, supervisors learned:

- * To distinguish *Non-Disciplinary* and *Disciplinary* problems
- * The three categories of problems: *Attendance, Conduct, and Performance*.
- * To turn generalizations into specific problem statements using the SAM criteria -- Specific, Attainable, and Measurable.

They also identified several specific problems to discuss with an employee.

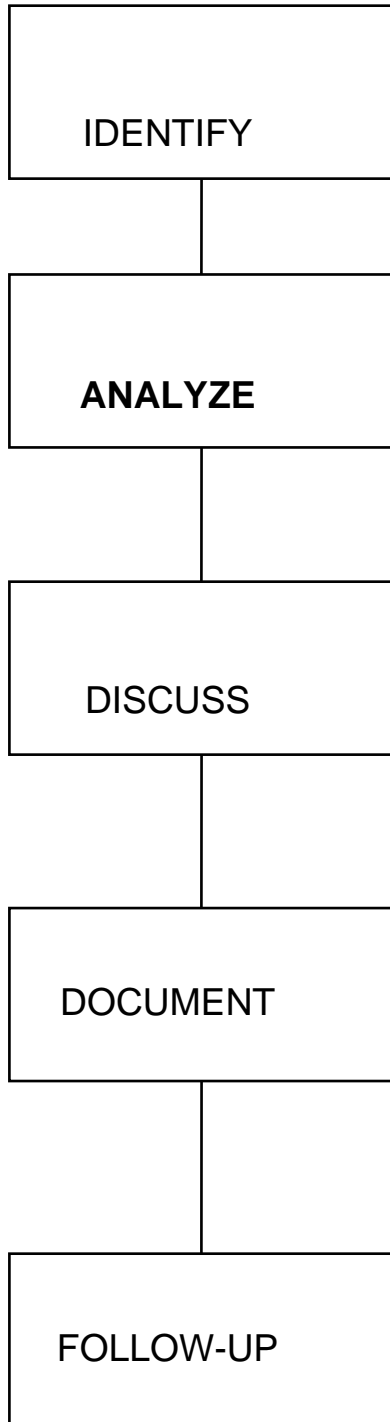
You know exactly what you want and exactly what you've been getting. Before you a supervisor sits down to talk to an employee about a problem, the supervisor must analyze it.

In analyzing a disciplinary problem, a supervisor must look at three things:

1. What's the *impact* of the problem on the Department: i.e., what are the good business reasons why the problem has to be solved?
2. What are the *consequences* the employee might face if he or she decides not to correct the situation?
3. What is the *most appropriate step* to take to bring about a solution?

Let's explore these three topics next in Step Two: **ANALYZE** the employee management process.

SECTION 5. STEP TWO: ANALYZE



1. Determine DESIRED performance.
2. Determine ACTUAL performance.
3. Focus on SPECIFICS.

1. Determine the IMPACT of the problem.
2. Determine CONSEQUENCES the employee will face.
3. Determine the appropriate ACTION STEP.

In working to correct an employee problem, a supervisor needs to determine;

- Desired performance
- Actual performance
- The Impact
- The Consequences

EXERCISE: THE FIREFIGHTER SMITH SITUATION – QUESTIONS

Lieutenant Joe Jackson is going to hold a coaching session with Firefighter Smith about his not wearing the proper uniform at roll-call.

- * He had identified the *desired* performance -- he wants FF Smith to wear the proper footwear at roll-call.
- * He has identified the *actual* performance – at the last two watches, FF Smith has worn tennis shoes to roll-call.
- * Lt. Johnson now needs to determine the *impact* of FF Smith's misconduct.

In the space below, list all of the results that may occur if FF Smith continues to not wear the proper uniform at roll-call. In other words, what are all of the operational reasons why the Department expects its employees to wear the proper uniform at roll-call?

(While we don't know the specific details of why FF Smith doesn't wear his uniform at roll-call, use your imagination in developing your list of the results that occur when a firefighter does not wear the proper uniform at roll-call.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

EXERCISE: THE FIREFIGHTER SMITH SITUATION – ANSWERS

Listed below are examples of possible results from FF Smith's not wearing safety shoes at roll-call:

- Risk of injury.
- Response time is delayed.
- Crew efficiency could be affected.
- Loss of financial benefits due to injury. (SP verses DP.)
- Morale problem if others feel FF Smith does not have to adhere to the rules.
- Cost factor to the Department in overtime (WDO).
- Department rules not being enforced.

DETERMINING THE CONSEQUENCES

The purpose of explaining the consequences of not correcting a problem situation is not to threaten the employee, but to advise him or her of the outcome of failure to change.

The reason most people continue problem behavior is that they:

- Don't know they're doing something wrong;
- Don't know what the consequences are for their inappropriate conduct; or
- Overestimate their ability to escape the consequences.

The employee has the right to know what will happen if he or she decides not to correct the problem and do the job properly in conformity with Department standards.

GENERATING CONSEQUENCE LISTS

Generating a list of consequences confirms the seriousness of the problem and the need for change. But a supervisor must be careful to generate a list of consequences that reflect the things the supervisor will actually do if the employee does not correct the problem.

The purpose of the consequences list is to gain the employee's agreement to change. Since most people will agree to solve a problem once they understand what it is and the good reasons why it must be solved, a list of consequences should only be necessary for particularly difficult employees.

DETERMINING THE LEVEL OF THE PROBLEM

This Guidebook has now explored two of the three questions in the **ANALYZE** step:

- What is the *impact* of the problem?

- What *consequences* will the employee face if he or she decides not to change?

The last question a supervisor must answer in the ANALYZE step is, “What is the appropriate *action step*?”

Some problems are more serious than others. One way to determine the appropriate action is to categorize problems/offenses as:

- Minor
- Serious
- Major

Minor Problems

- Don't involve questions of honesty
- Don't constitute a significant threat to the operation of the Department
- Don't endanger the safety or welfare of the employees or others

Typical examples of minor problems include:

- Not answering the main line phone correctly
- Attending to personal affairs during work time

Serious Problems

- May constitute a threat to the operation of the Department
- May pose a danger to the health or safety of the employee or others

Typical examples of serious problems include:

- Inattention to duty
- Running a home business from the fire station

Major Problems

- Seriously threaten safety or the operation of the Department
- Represent actions which can't be tolerated in any Department

Typical examples of major problems include:

- Violence in the workplace
- Theft
- Use of alcohol or drugs on duty

DETERMINING THE APPROPRIATE ACTION STEPS

Action Steps: Minor Problem

The first time a minor problem occurs, a supervisor should bring the problem to the employee's attention, either through an informal conversation with feedback on the problem, or through a coaching session.

If the problem continues despite the supervisor's intervention with the employee, the supervisor should consider whether company-level sanctions or an oral warning might motivate the employee to improve his or her performance, or whether a disciplinary referral to the Chief of Department is warranted. If a minor problem evolves into a serious or major one, the supervisor must refer the problem to the Chief of Department for potential disciplinary action.

Action Steps: Serious Problem

The Department's Rules and Regulations require a supervisor to refer a serious problem to the Chief of Department for potential disciplinary investigation and action.

In evaluating whether a problem is minor or serious, the supervisor should consider:

- The severity of the problem;
- The employee's previous work record;
- Previous action that has been taken with other individuals with the same problem under similar circumstances; and
- What response to the problem would be most effective in bringing about a change in the employee's performance or conduct.

Action Steps: Major Problem

A supervisor must refer any major problem to the Chief of Department for potential disciplinary action, regardless of whether the employee has any history of prior similar problems.

In addition, the supervisor must evaluate whether immediate action or interim measures are warranted. If the supervisor believes some immediate response is warranted, that supervisor must immediately orally report the matter to the Chief of Department through the chain of command.

EXERCISE: SERIOUSNESS OF OFFENSE – QUESTIONS

Listed below are sixteen problems that can arise in the Department. For each, indicate which category (Minor, Serious, Major) it falls into. Use the Department's Rules and Regulations, Policies and Procedures to guide the responses.

SECTION 5. STEP TWO: ANALYZE

	Offense	Minor	Serious	Major
1.	Insubordination (direct refusal to follow a legitimate order.)	_____	_____	_____
2.	Failure to report (after 0830)	_____	_____	_____
3.	Use of rude and profane language.	_____	_____	_____
4.	Substance abuse on duty.	_____	_____	_____
5.	Uniform (attire) violations.	_____	_____	_____
6.	Sleeping on the job, while on radio watch.	_____	_____	_____
7.	Fighting.	_____	_____	_____
8.	Attending to personal affairs during working hours.	_____	_____	_____
9.	Reporting to work in unfit condition.	_____	_____	_____
10.	Refusing to work mandatory overtime.	_____	_____	_____
11.	Inattention to duty.	_____	_____	_____
12.	Committing illegal, immoral, or unethical acts.	_____	_____	_____
13.	Excessive trading.	_____	_____	_____
14.	Theft.	_____	_____	_____
15.	Soliciting or accepting a gratuity or consideration of value.	_____	_____	_____
16.	Abandonment of post.	_____	_____	_____

EXERCISE: SERIOUSNESS OF OFFENSE – ANSWERS

1. Insubordination - **Serious or Major** (i.e., in the station or at an incident)
2. Failure to Report - **Serious or Major** (i.e., 1 to 4 watches)
3. Use of Rude and Profane Language - **Minor or Serious** (i.e., directed towards other members or the public)
4. Substance Abuse on Duty - **Major** (alcohol or drugs while on duty)
5. Uniform violations - **Minor or Serious** (i.e., T-shirts, sneakers, or safety equipment)
6. Sleeping on the job, while on the radio watch – **Serious or Major** (i.e., manual mode, day watch.)
7. Fighting - **Major** (i.e., with other members or the public)
8. Attending to personal affairs during work time - **Minor or Serious** (i.e., personal projects instead of chores, drills, or using SP time to work elsewhere.)
9. Reporting in unfit condition to work – **Serious or Major** (i.e., sleeping all day or under the influence.)
10. Refusing to work mandatory overtime - **Serious** (i.e., departure from incident before being relieved, or ignoring recall signal during an emergency)
11. Inattention to duty. - **Serious** (i.e., running out of gas, maintaining medical equipment and supplies.)
12. Committing illegal, immoral, or unethical acts - **Major** (i.e., gambling, illegal cable boxes, pornographic materials.)
13. Excessive trading - **Minor** (i.e., exceeding two watches per pay period.)
14. Theft - **Major** (i.e., shoplifting or theft at an incident)
15. Soliciting or accepting gratuity or consideration of value – **Serious or Major** (i.e. accepting money or other considerations for the performance of duties.)
16. Abandonment of Post – **Serious or Major** (i.e., leaving station or incident without permission)

FACT FINDING

Before making a final determination on whether conduct is minor, serious or major, and before taking any action in response to the problem, a supervisor should take time to gather the pertinent facts regarding the problem. In addition, if needed, a supervisor may wish to consult with a higher-level supervisor in the chain of command or the HR Division. After gathering the facts and obtaining any needed consultation, the supervisor is in a much better situation to make a judgment call about the seriousness of the offense in a fair and consistent manner.

FAIRNESS AND CONSISTENCY

In managing employee performance, supervisors must also consider fairness and consistency, which represent very different concepts.

Example:

Consider two employees who have committed the same offense. One of the employees has worked for the Department for twenty-six years and has never had a previous problem. The other has been with the Department for two years and the supervisor has spoken with her on several occasions about the same problem. Should the supervisor treat the two employees exactly alike?

If a supervisor treats the employees exactly alike, that response may be unfair. But if the supervisor treats them differently, taking into consideration the one employee's long history of good performance, the supervisor may be accused of being inconsistent. Sometimes to be fair a supervisor has to be inconsistent. If a supervisor insists on absolute consistency, the result may be unfairness to the employees.

The effective supervisor balances fairness with consistency. In the example given above, it would be appropriate to take different responses to the two employees because of each individual's previous record regarding the problem.

CHECKLIST

In assessing the level of a problem, and determining the appropriate response, a supervisor might find it helpful to complete the following checklist, or to at least consider each of the elements in the checklist:

1. Type of problem

_____ Attendance _____ Performance _____ Conduct

2. The conversation will be a:
 - _____ Coaching session
 - _____ Discussion regarding additional training
 - _____ Discussion regarding company-level sanctions
 - _____ Oral warning
3. Dates of previous discussions about the problem:

4. Desired performance:

5. Actual performance:

6. Impact (good business reasons why the problem must be solved):

7. Consequences for failure to correct problem:

QUESTIONS TO CONSIDER IN REFERRING A MATTER TO THE CHIEF OF DEPARTMENT

If a supervisor decides to refer a problem to the Chief of Department, the supervisor should be able to answer “yes” to the following questions:

1. Did the employee *clearly understand* the rule or policy that was violated?
2. Did the employee *know in advance* that such conduct would be subject to disciplinary referral to the Chief of Department? Note that this knowledge can be inferred from the seriousness of the performance or conduct problem.
3. Was the rule that was violated reasonably related to the *safe, efficient, and orderly operation* of the Department?

SUMMARY OF STEP TWO: ANALYZE

In Step Two: ANALYZE of the managing employee performance process, supervisors should address these critical questions:

1. What is the *impact* of the problem (i.e., good business reasons why the problem has to be solved?)

2. What *consequences* might the employee face if he or she fails to correct the problem?
3. What is the *appropriate action* step?

Supervisors must also analyze specific considerations in determining the appropriate action step:

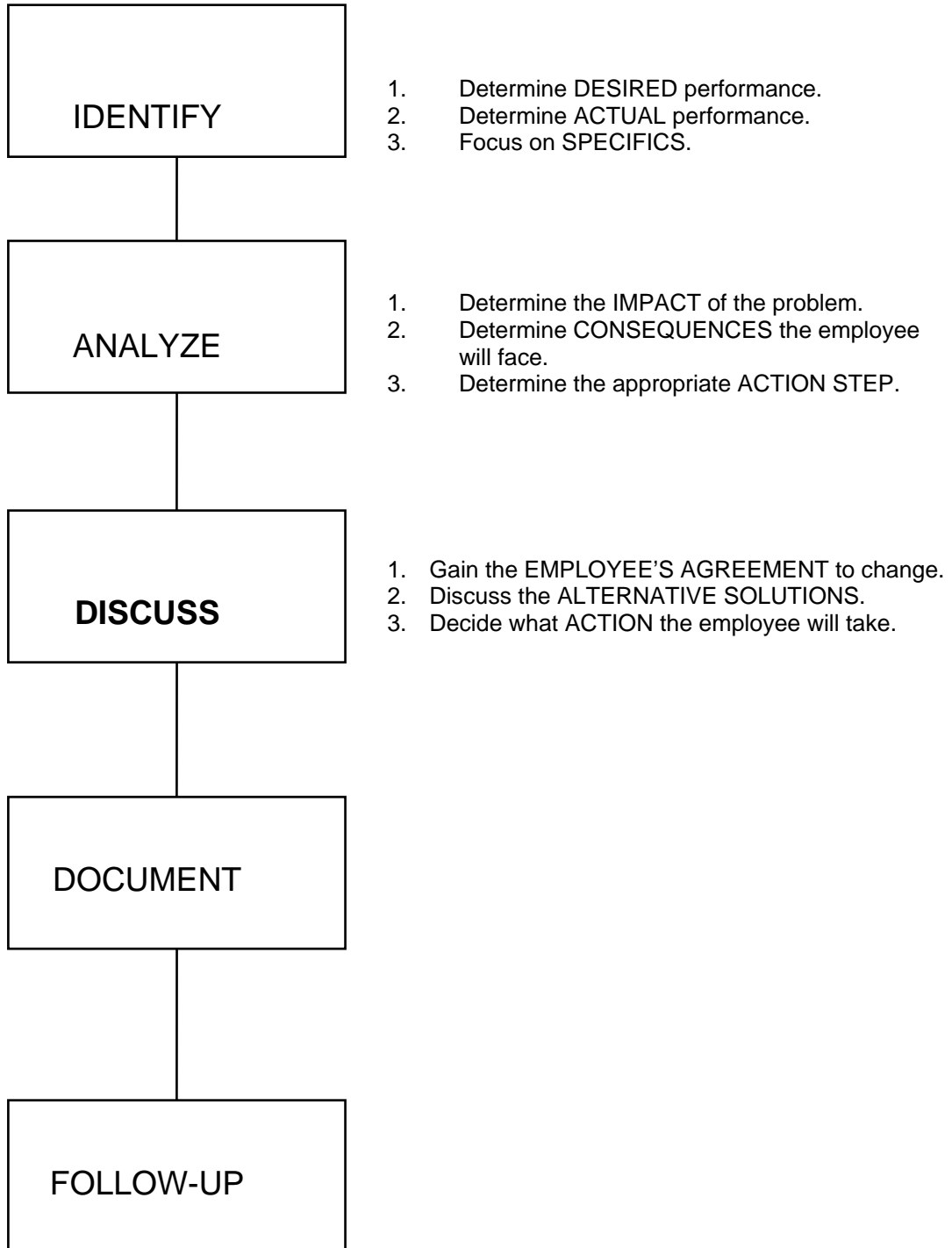
- Seriousness of the offense
- Fact finding
- Fairness and consistency

Based on this analysis, a supervisor can decide on an action step that might be:

- A coaching session
- Providing additional training
- Imposing company-level sanctions
- Issuing an oral warning;
- Referring the matter to the Chief of Department; or
- Other, such as referral to the Stress Unit or Employee Assistance Program

Regardless of the action step a supervisor decides on, the supervisor next moves on to Step Three of the process -- discussing the problem with the employee.

SECTION 6. STEP THREE: DISCUSS



OPENING THE DISCUSSION

There's no "one way" to open a conversation with an employee about a performance or conduct problem. However, a supervisor's opening words should achieve several goals: putting the employee at ease, getting right to the point, and indicating the seriousness of the situation.

One effective way of opening a disciplinary conversation is by using this three-step approach:

1. "There is a problem that we need to discuss."
This tends to make the person less defensive.
2. Describe the desired and the actual performance.
Getting right to the point helps put the person at ease.
3. "Tell me about it..."
This or a similar statement invites the employee to discuss the situation and the reason for the problem.

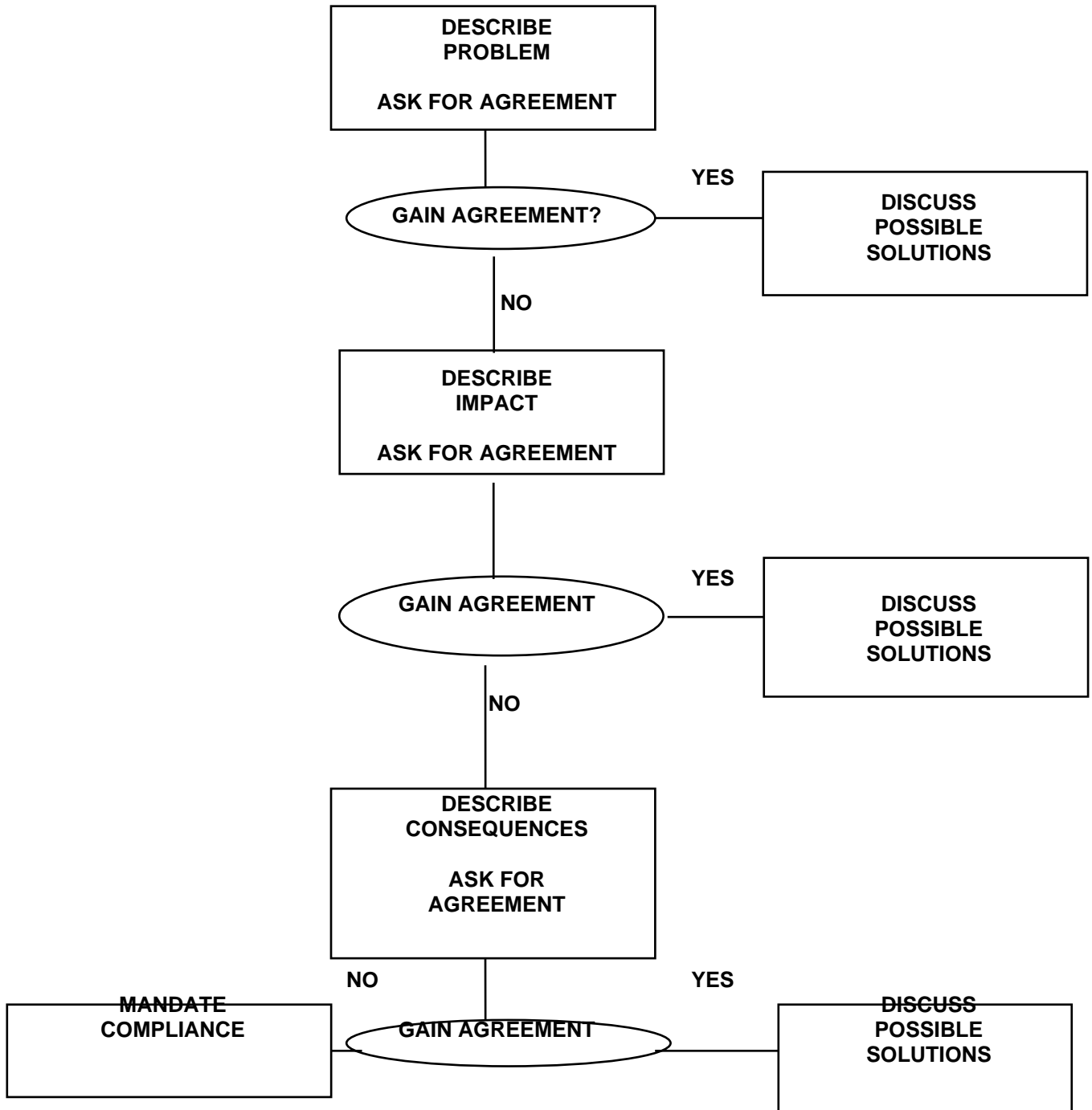
GAINING EMPLOYEE'S AGREEMENT TO CHANGE

In holding a coaching or other performance or conduct-related discussion with an employee, the most critical step and objective for the supervisor is to gain the employee's agreement to change. There are two reasons why gaining that agreement is so important:

1. If the employee agrees to change and correct the problem, then he or she is much more likely to do so than if the supervisor simply mandates that the change occur. Getting the employee's agreement builds in commitment. The person who commits to making a change is much more likely to honor that commitment than the person who is simply required to comply with a supervisor's directive.
2. The second reason for gaining the employee's agreement is more subtle. If a person agrees to change and then does, the problem has been solved. But if the person agrees to change but continues with the poor performance or conduct problem, the supervisor now has two issues to discuss with that employee. First, the continuation of the problem that led to the original discussion. Second, the employee's failure to live up to the agreement that he or she made with the supervisor.

A supervisor should ask the employee for agreement at the beginning of the discussion, and continue asking until getting agreement if possible.

GAINING AGREEMENT



TIPS FOR DISCUSSING PROBLEMS WITH EMPLOYEES

Supervisors should refer to this checklist in preparing to talk with an employee about a performance or conduct problem, and should keep these tips in mind during the discussion.

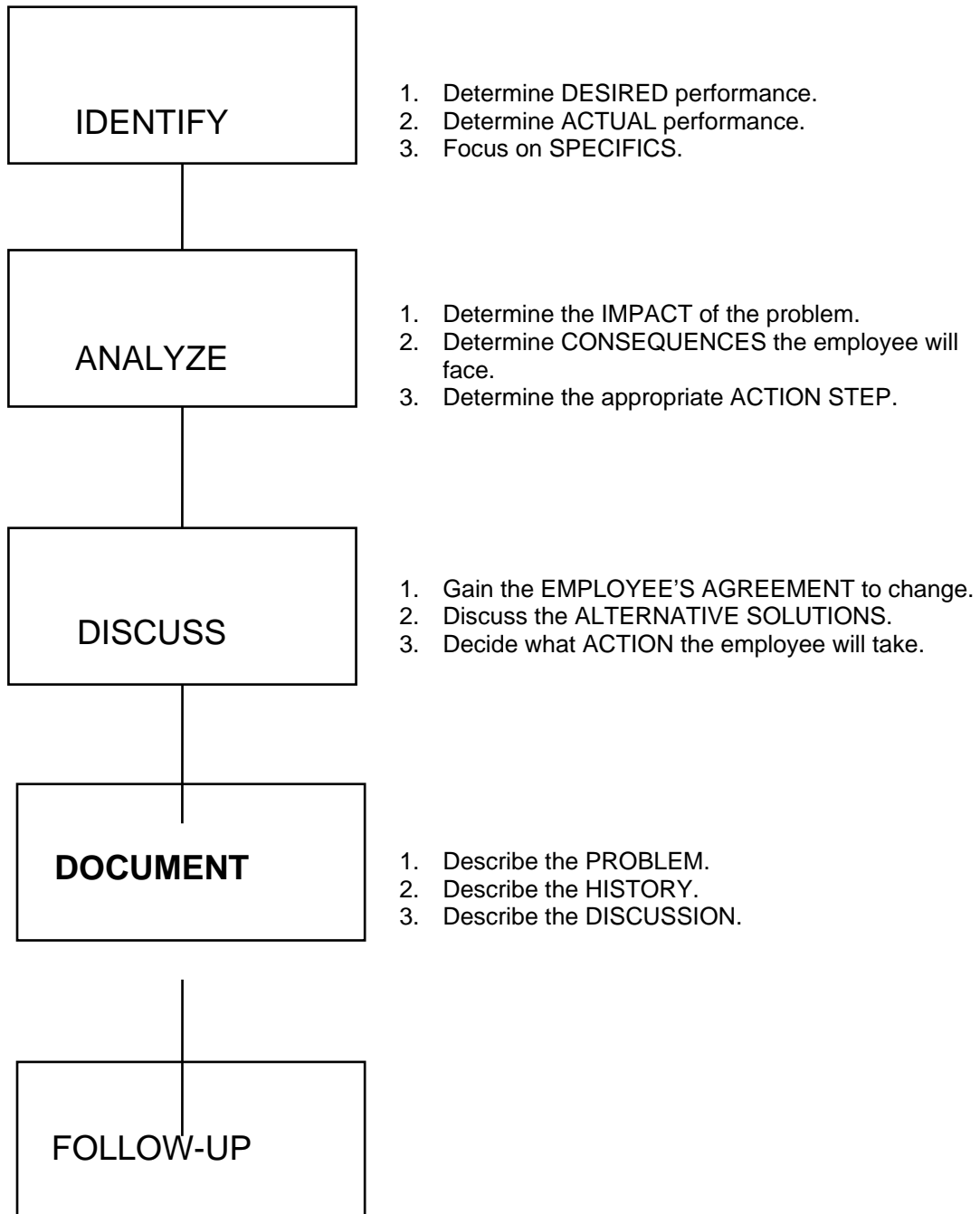
1. Always conduct discussions in private.
2. Focus on the employee's behavior rather than his or her attitude or personal characteristics.
3. Use clear and concise language to describe the behavior that is problematic.
4. Encourage employee participation, and ask the employee for his or her view of the problem.
5. Try to get the employee to come up with the solution to the problem.
6. Listen attentively, to encourage the employee to be proactive in the discussion.
7. Make sure that the employee agrees with the supervisor on a plan of action.
8. Always work to maintain the employee's self esteem.
9. Never forget that the objective is to eliminate the performance or conduct problem.
10. Always close the session by setting up a date to review progress on the plan.

SUMMARY OF STEP THREE: DISCUSS

In Step Three: DISCUSS, supervisors learned the critical steps in holding an effective disciplinary discussion:

1. Prepare for the discussion in advance by identifying the specific desired performance and the employee's actual performance, and analyzing the impact and consequences of the problem.
2. Concentrate on and gain the employee's agreement to do the job properly and solve the problem.
3. Discuss the possible solutions and come to an agreement on the action the employee will take to solve the problem.
4. Conclude the discussion by encouraging good performance on the employee's part, communicating your confidence that he or she will indeed live up to the agreement, and setting a review date.

SECTION 7. STEP FOUR: DOCUMENT



EXERCISE: THE FF SMITH CASE – QUESTIONS

A great deal of information will come out of a discussion with an employee about a performance or conduct problem. Some of it must be included in the documentation; other information should not be included.

Below are facts that emerged from a coaching session about poor performance between Captain Jones, the officer of Station 53, and Firefighter Smith, one of the members of Station 53, about problems with FF Smith's driving, specifically running a stop sign while responding to an incident.

For each item, place a check mark in the blank if the information probably should be included in the documentation.

- _____ 1. FF Smith made the driver spot of Engine 53 two years ago.
- _____ 2. FF Smith said he was a good driver.
- _____ 3. FF Smith said other drivers drive the same as him.
- _____ 4. Captain Jones' conversation with FF Smith's about the stop signs took place on August 30, 2007.
- _____ 5. Captain Jones has received three complaints from other members of the crew.
- _____ 6. FF Smith is the only African American employee at the station.
- _____ 7. On the last watch, FF Smith ran a stop sign while responding to an incident.
- _____ 8. Lt. Johnson, the other officer who works during the same shift, did speak to FF Smith about his driving.
- _____ 9. On the last performance appraisal for FF Smith, the box marked "Needs Improvement" was checked under "follows orders."
- _____ 10. Capt. Jones told FF Smith that if he did not correct his driving performance he would receive an oral warning.
- _____ 11. FF Smith has been S/P four (4) times this year.
- _____ 12. FF Smith has been in the Department for 14 years.
- _____ 13. FF Smith agreed to comply with the standard driving procedures of the Department.

- _____ 14. Capt. Jones had an informal conversation with FF Smith on August 27, 2007 about his driving when responding to incidents.
- _____ 15. FF Smith said he felt that Capt. Jones was being unfair and was picking on him.
- _____ 16. FF Smith received a letter of reprimand for poor driving three years ago.

EXERCISE: THE FF SMITH CASE – ANSWERS

Some of the facts in the case definitely must be included in the documentation; others are irrelevant and definitely should not be included. Other facts might be included if they were significant items of discussion during the conversation. Here are some suggestions on what should or should not be included:

1. Probably not. The length of time the employee has been in the job is probably not important.
2. Probably not. This is his perception and not based on fact.
3. Probably not. Again this is his perception, without factual basis.
4. Definitely yes. The date of the conversation must always appear in the documentation.
5. Definitely yes. This is one of the facts that supports the need for a discussion with the employee about poor performance.
6. Definitely not. The person's age, race, sex, national origin, disability, or sexual preference should never be taken into consideration.
7. Definitely yes. This is another fact that supports the need for the discussion.
8. Definitely yes. All previous discussions about the problem should be included (even though the discussion was held by a previous supervisor.)
9. Probably not. It's usually best to keep the performance appraisal process separate from a discussion related to problem performance or conduct. However, if they had spent a significant amount of time discussing the performance appraisal, it would be a good idea to include it.
10. Definitely yes. If the supervisor tells the employee what the consequences of failure to correct a problem will be, this information must be included in the documentation.
11. Probably not. The attendance issue is different from the driving performance issue and should probably be discussed in a different conversation. Again,

however, if Capt. Jones did spend some time during the conversation talking about FF Smith's attendance record, that probably should also be included in the documentation.

12. Probably not, unless special reference was made to solve the problem.
13. Definitely yes. This represents FF Smith's agreement to solve the problem. The employee's agreement to change should always be included in the documentation.
14. Definitely yes. Even though the conversation was informal and not documented, it is evidence that the situation has been discussed with FF Smith before the coaching session.
15. Probably not. Again, unless this statement was repeated frequently during the conversation, it would be best not to include it in the documentation.
16. Probably. While three years is a substantial period of time, the earlier letter of reprimand on the same performance problem could be relevant to show notice to FF Smith of the Department's driving requirements.

THE DOCUMENTATION

Supervisors must prepare required documentation for company-level sanctions, oral warnings, and discipline referrals to the Chief of Department. Supervisors are not required to document coaching sessions, but may do so. When documenting their actions, supervisors should keep the following factors in mind.

Factual Documentation

The documentation must be factual. The documentation should contain specific facts, including where applicable actual quotes of statements made by the employee and the supervisor. Where applicable, particularly when referring matters to the Chief of Department, supervisors should attach any relevant documents, e.g., report completed by employee, any General Forms, etc.

Uniform Documentation

The documentation must include all required elements described in the Managing Employee Performance Manual, to ensure uniformity of documentation for employees encountering the same performance deficiency or misconduct. Supervisors should refer to the Manual for the specific elements that must be included in the documentation for specified responses.

Non-Judgmental Documentation

The supervisor should limit the documentation to things that are known for sure, as opposed to making judgments about the employee's intentions or motives.

For example, it would be appropriate to include in the documentation the specifics detail that on two occasions, the employee failed to use the proper safety equipment, and he had previously been coached once for operating equipment without the proper safety equipment. If the documentation simply stated that the employee had a “poor attitude towards safety,” that statement would be insufficient.

Documentation of Employee Agreement to Change

If the supervisor is successful in getting the employee’s agreement to change and improve his or her performance or conduct, the supervisor should reflect that agreement in the documentation. In this way the Department can demonstrate that the employee was fully aware of the problem and agreed that change was necessary. If the employee fails to correct the problem, the Department can also establish that the employee failed to live up to the agreement he or she made to correct the situation.

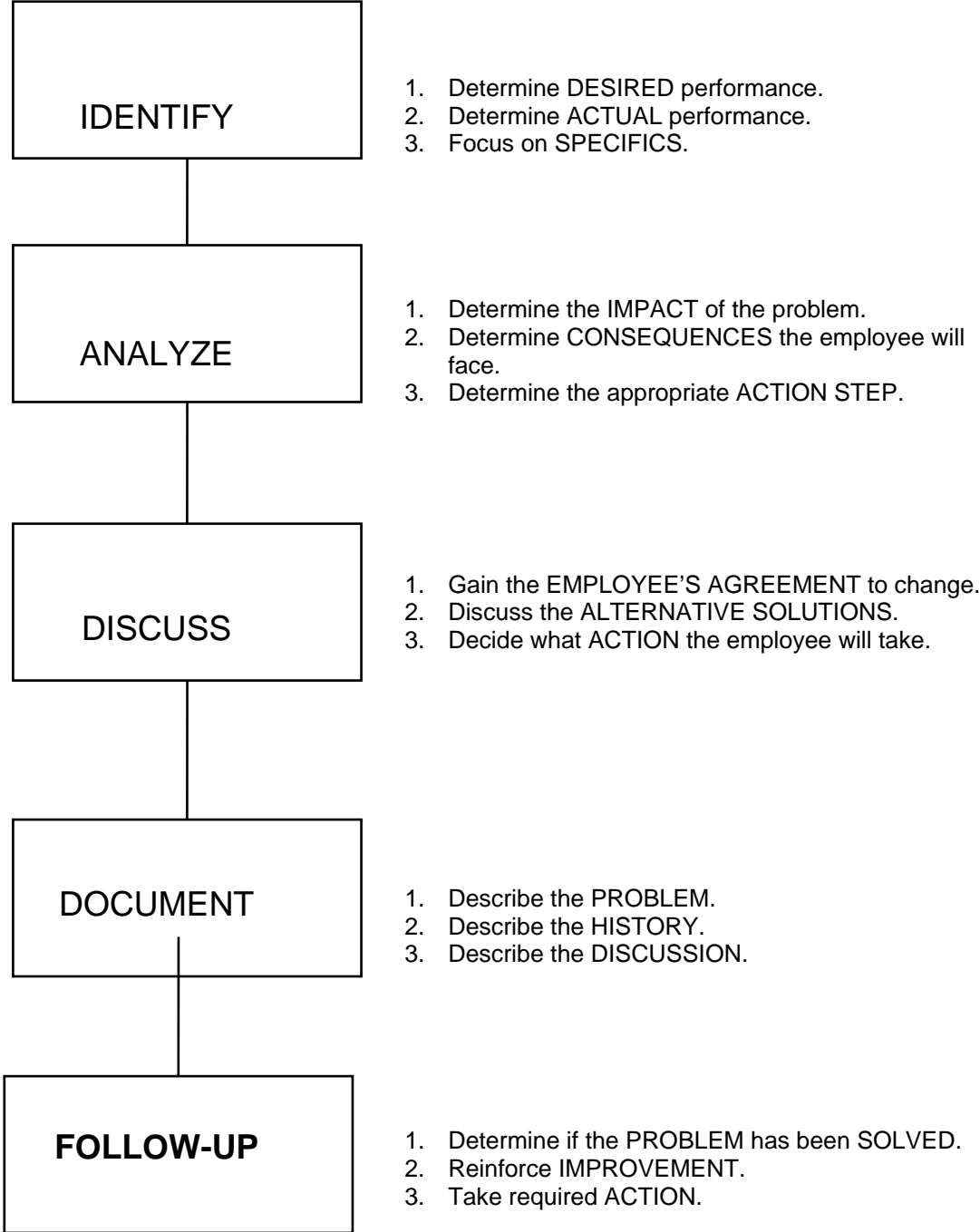
SUMMARY OF STEP FOUR: DOCUMENT

In Step Four: DOCUMENT, supervisors learned to:

- Describe and document a discussion using *specific facts* and to reflect the employee’s agreement to improve.
- Describe the *history* of the problem.
- *Review* the final documentation with the employee to assure its accuracy, and obtain the employee’s signature on the documentation.
- *Forward* the documentation according to policy.

Now there is only one step left in the process, and that is Step Five: FOLLOW-UP.

SECTION 8. STEP FIVE: FOLLOW-UP



PLANNED, IMMEDIATE FOLLOW-UP

Employee management doesn't end with the discussion and documentation; it ends when the problem has been corrected. Once a supervisor has held a discussion with an employee and documented the discussion if required, the supervisor must make sure that the discussion produces the intended result by following up.

Follow-up involves making sure that the employee is now doing the job properly, and the best time for follow-up is *immediately*.

Benefits

Immediate, planned follow-up provides two benefits:

1. It indicates to the employee that the supervisor takes the situation seriously. Not only was the problem serious enough to discuss in the first place, but it was serious enough for the supervisor to pay attention to the results and bring them to the employee's attention.
2. It increases the probability that the employee will correct the problem and maintain good performance, because the employee knows that the supervisor is paying attention and cares about correcting the problem.

This approach has the added benefit of tending to build good relationships between the supervisor and the work group.

Possible Results

When the supervisor follows-up after a discussion of problem performance or conduct, there are three likely results that will be encountered:

1. The problem *has been solved*; the employee is now doing the job properly.
2. The problem hasn't been completely solved; but the employee has shown *significant improvement*.
3. There has been *no improvement*; the problem still persists.

EXERCISE: THE COMPANY CAPTAIN'S SITUATION – QUESTIONS

You are the Battalion Chief of District 11. Several weeks ago, you held separate discussions with three company Captains about their failure to make five R-1 inspections per week, as required by the Department. At the time of the discussions, each Captain was averaging 3 R-1 inspections per week. You discussed several possible solutions, and each of the Captains agreed to make the required number of inspections each week.

Today, you checked the incoming reports. You discovered three different results.

<u>Situation</u>	<u>Action</u>
Captain A had improved his average from 3 to 4 and one week he made 5 inspections.	_____ _____ _____
Captain B is still averaging 3 inspections per week.	_____ _____ _____
Captain C has improved her average from 3 to 5 and one week made 6 inspections.	_____ _____ _____

EXERCISE: THE COMPANY CAPTAIN’S SITUATION – ANSWERS

<u>Situation</u>	<u>Action</u>
Captain A	Two things are required here. First, reinforce the improvement; second, restate the requirement to complete 5 inspections per week and indicate the consequences of continued failure to meet the requirements.
Captain B	Ask the employee why no change has occurred and indicate the consequences of continued failure to meet the Department’s requirements.
Captain C	Reinforce the correction and encourage good performance.

Note: In the situations involving Captains A and C where there were specific examples of improved performance (A = 4 inspections, C = 5 inspections) the supervisor should ask the employee the reason for the improvement and encourage continued good work.

SECTION 9. MANAGING EMPLOYEE PERFORMANCE SUMMARY

This completes the discussion of the five steps of the Managing Employee Performance approach to preventing and resolving employee performance and conduct problems:

1. IDENTIFY the problem in terms of desired performance and actual performance, being careful to be very specific and to not let any generalities or judgments creep in.
2. ANALYZE the problem. What are the good business reasons why the problem must be solved, what are the consequences the employee might face if he or she fails to improve, and what is the appropriate action step?
3. DISCUSS the problem with the employee. Gain the employee's agreement to solve the problem, discuss the alternative solutions, and agree on the actions the employee will take to solve the problem.
4. DOCUMENT the problem. Describe the problem, the history, and the discussion, including any agreement.
5. FOLLOW-UP. Monitor the employee's performance, reinforce improvements, and in the absence of improvement, find out why and take the appropriate next step.

With these five steps, supervisors can hold discussions with employees and take other actions that:

- Lead to commitment, not merely compliance;
- Focus on the future, not the past;
- Reduce the feelings of defensiveness, anger, and apathy that frequently accompany corrective or disciplinary action; and
- Lead to real problem solving in a collaborative manner.