



**CITY OF COCOA**

**SUPERVISOR'S GUIDEBOOK**

Effective March 14, 2008

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## **Section 1. Introduction**

This Supervisor’s Guidebook (“Guidebook”) has been prepared to provide supervisors, managers, and directors employed by the City of Cocoa with a summary of the City’s policies, procedures, and practices that are particular relevant to the vital role that supervisors and managers play in human resources functions. Throughout this Guidebook, supervisors, managers, and directors will be referred to generally as “supervisors.”

This Guidebook is not intended and should not be construed to replace the City’s Employee Handbook. Rather, this Guidebook should be viewed a training tool for supervisors. It should be thoroughly read by each supervisor and should be kept for future reference. Of course, this Guidebook is not a substitute for conferring with your supervisors and the Human Resources Manager in regards to hiring matters, disciplinary issues, and/or complaints of discrimination, harassment or retaliation. This Guidebook is not intended to be and does not constitute a contract, either expressed or implied, between the City and any of its supervisors or other employees. Nothing in this Guidebook alters the at will relationship between the City and its supervisors or other employees.

Please read this Guidebook thoroughly and keep it for future reference. Once you have reviewed this Guidebook, please execute the form attached hereto acknowledging that you have received it, reviewed it, and understand its contents. Once you have executed the acknowledgment, please return it to Human Resources.



## Section 2. Expectations from Supervisors

Supervisors must conduct themselves at all times in a manner that reflects positively on the City of Cocoa. Following are some of the expectations that the City has from its supervisors. Of course, this is not an exhaustive list. Failure to abide by these standards can result in disciplinary action, up to and including termination of employment.

- Know and Abide by the City’s Policy Against Discrimination and Harassment – The City strongly supports the right of all employees to be free from any form of discrimination or harassment based upon race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic. Towards that end, the City has adopted a Policy Against Discrimination and Harassment that it expects all supervisors and employees to heed and respect. As a supervisor, you must thoroughly read and understand the above-referenced policy.

Supervisors must be vigilant to prevent any form of unlawful discrimination or harassment and be prepared to take prompt, effective remedial measures in the event of a complaint or in the event that they learn of any type of harassing or discriminatory behavior in the workplace. Supervisors must never use any language or undertake any action in the workplace that could be construed as offensive on any of the bases listed above. Even a well-intentioned joke can be taken to be offensive and lead to claims of unlawful treatment or violation of the City’s Policy Against Discrimination and Harassment.

A more thorough discussion of supervisors’ responsibility in regards to the City’s Policy Against Discrimination and Harassment is found in Section 7, below;

- Set Clear Expectations – One of the biggest mistakes supervisors make is failing to set clear expectations from his or her employees at the outset and following-up by requiring his or her subordinates to meet those expectations. For example, if your department is responsible for responding to citizens’ telephone calls promptly and you want there to be a procedure that voicemails left by customers will be returned within 1 hour of their receipt, be sure to communicate that expectation to your subordinates clearly and, if necessary, in writing through an internal memorandum. If an employee fails to meet the standard, bring it to their attention and provide suggestions for how they can better meet your expectations. By doing this, you help instill good work habits in your subordinates and demonstrate that you possess good leadership skills;
- Use Positive Reinforcement – Reinforcing good work and professionalism is one of the best ways to ensure good morale and solid performance from subordinates. Positive reinforcement works best when it is not expected and when it is sincere. Supervisors should make a practice of being cognizant of what their subordinates are doing on a daily basis and award with a “good job” or just a simple “thanks for your hard work” whenever it is warranted;

- Keep a Respectful Distance from Subordinates – Friendships and other personal relationships between supervisors and subordinates lead to questions about favoritism and can lead to blurred lines between supervisor and subordinate. Supervisors should never enter into any type of business or financial arrangement with their subordinates. Supervisors should not spend time with subordinates outside of the workplace, unless at a City-sponsored function for employees or unless all of the supervisor's subordinates are invited. Further, while subordinates may come to you with personal problems, supervisors should be careful not to get too close. If you have concerns about a subordinate, you should immediately contact your immediate superior and/or Human Resources for guidance or refer them to the City EAP program;
- Be Fair – The successful supervisor treats his or her subordinates without favoritism. Do not allow your personal feelings towards individual subordinates to affect your treatment of subordinates in regards to assignments, pay raises, performance evaluations, discipline, or any other aspect of their employment;
- Show Respect – We have all heard the maxim “Treat Others As You Expect to be Treated”. For purposes of your employment as one of the City’s supervisors, this maxim does not go far enough. The City expects each of its supervisors to be respectful to all of their colleagues, supervisors and subordinates all of the time. A supervisor should never be belligerent and should never use language intended to insult or belittle another. The effective supervisor communicates calmly and with courtesy. The effective supervisor avoids saying anything that expresses disregard for employees’ personal needs (e.g., never say I don’t care if you have to leave for a doctor’s appointment, I need you to complete this task; instead say, “Could you stay for just another ten minutes to complete the task, you can call your doctor’s office and say you’ll be a few minutes late.) The effective supervisor never belittles an employee’s performance, especially in front of other employees. For example, telling an employee that a third grader could have done a better job can be viewed as degrading and will erode employee morale; instead, take the employee aside and explain that their performance on the task was not up to standard and suggest ways that they can improve their performance. Effective supervisors also avoid expressing a lack of confidence in a subordinate’s abilities;
- Separate Your Personal and Professional Life – Every person has their challenges away from work, whether they are related to relationships, family members, finances, or other issues. No matter what is happening in your personal life, it is important for you to prevent your personal life from affecting your relationships with your colleagues or subordinates. When you are at work, you should be fully engaged in work. You should not permit emotions related to personal issues to interfere with your management style or workplace demeanor. Further, supervisors should not discuss their personal problems with their subordinates. Your subordinates are not your confidantes;
- Set a Good Example – A supervisor who frequently comes in late, misses deadlines, or treats other disrespectfully only encourages that behavior in his or her subordinates. As a supervisor, you must lead by example. In other words, practice what you preach. If you want your subordinates to be punctual, be punctual yourself. If you want your

subordinates to be industrious, roll up your sleeves and put in a full day's work each and every day;

- Be Professional – Effective supervisors do not use foul language to express themselves in the workplace. Use of foul language undermines your legitimacy as a supervisor and can lead to violations of the City's policy against discrimination and harassment. Effective supervisors are also well versed in the City's mission and vision statement and tailor their discussions with subordinates to touch on their aspects. Effective supervisors do not show their frustration by yelling, slamming doors, or scowling. Such behavior only creates an environment of trepidation and resentment. If you are angry, take a walk or close your door and vent silently;
- Stay on Top of Events – The best supervisors stay abreast of developments in their department, division and throughout the City. Staying current permits the effective supervisor to stay ahead of problems before they become larger, more time-consuming, and more difficult to manage. This means holding frequent, regular meeting with subordinates to discuss relevant issues. This also means checking in with subordinates on a daily basis and asking if there is anything that is amiss, needs attention, or could be an issue down the road. An effective supervisor is proactive rather than reactive;
- Do Not Ignore Problems – A problem cannot be solved by behaving like it does not exist. No supervisor, let alone one who wants to be successful, can afford to put blinders on and let the chips fall where they may. Once a problem comes to your attention, you should develop a plan for addressing it immediately. This may mean taking the problem to your superior. If the matter involves a personnel issue, the issue might also need to be brought to Human Resources. Ignoring a problem can only lead to questions about your leadership ability and to loss of productivity. Ignoring interpersonal problems between employees can lead to poor morale and claims of unlawful treatment;



- Keep Human Resources Apprized of Personnel-Related Issues – Supervisors must immediately advise Human Resources fully of any complaints or observations that could be construed as discrimination or harassment based upon race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic. Supervisors must also immediately advise Human Resources of any form of discipline, other than verbal warnings, that they intend to take against a subordinate before the discipline is imposed.

***Supervisors: Do your job...your employees  
are counting on you!***

### **Section 3. Hiring and Interviewing**

Building a good team means hiring good people. As a supervisor, you will have involvement in hiring people for your department. Because hiring an employee is a significant investment of the City's resources, it is important for you to undertake the process with care and deliberation. Finding a "warm body" is not an acceptable manner of selecting candidates for employment with the City. It is also important that you not make hiring decisions based upon relationships outside of work. Supervisors should not recommend for hire or hire acquaintances or friends unless they legitimately believe that the individual is the most qualified. Supervisors must disclose any personal relationship with an employment applicant to their immediate superior and to Human Resources prior to the candidate being interviewed.

An important element of effective hiring is reviewing the applications for a particular posting and deciding which few will receive an employment interview. If possible based upon the pool of candidates, you should create three tiers of applicants: (i) applicants you definitely want to interview; (ii) applicants you would consider interviewing if none of the first tier candidates work out; and (iii) applicants you are not interested in.

In reviewing the applications and in deciding which tier the candidate should fall into, you should use the following criteria:

- Is this candidate's employment application legible and complete? More likely than not, a person who writes illegibly on an employment application or fails to complete all areas of the application as instructed may have traits (e.g., disorganization, inability to follow instructions) that the City would rather avoid. Further, an applicant who submits an incomplete application may be trying to conceal something that they believe would lessen their chances of being hired. Candidates who submit illegible or incomplete applications should not be considered.
- Does the candidate's application (and resume, if applicable) demonstrate that he or she is qualified for the position? The pertinent job description should be consulted to ascertain if the candidate meets the minimum qualifications for the position (e.g., licenses, certifications, education, years of experience, technical knowledge, etc.) Candidates who do not possess the minimum qualifications should not be considered.
- Does the candidate have a solid work history? Candidates that have gaps in their employment histories may require closer scrutiny. Supervisors should tread carefully before hiring a candidate whose application reveals that he or she has had several different jobs in a relatively short period of time. For example, a candidate who has had four jobs in five years may have difficulty getting along with others, difficulty completing assigned tasks, or other characteristics that would not serve the City well.

Once you have screened the candidates down from many to four or five, it is time to schedule interviews. The interview is likely the most valuable aspect of the hiring process. When interviewing a candidate, your role is to identify the one candidate who best fits the position. Thus, you will need to compare the candidates throughout the interviews based upon



their skills and qualifications, their performance during the interview, how they appeared during the interview (i.e. if the candidate appears for his or her interview sloppily dressed, that may be an indication that the candidate does not take the opportunity seriously), and your sense of how well they would perform within your department.

Supervisors are expected to carry out employment interviews professionally and in a manner that casts a positive light on the City. Towards that end, supervisors should adhere to the following standards in conducting interviews:

- Know the Candidate – Thoroughly review the candidate’s application and resume (if applicable) before the interview. Do not make notes on the candidate’s application, resume, or other documents. Any notes should be made in your personal notebook.
- Do Not Interview Candidates Alone – You should never conduct an interview without at least one other supervisor being present. Having a witness guards against the possibility that the candidate will misconstrue an event and allege that something inappropriate was said or asked during the interview.
- Obtain Explanations for Any Gaps in Employment – Gaps in a candidate’s employment history can be very telling. During an interview, you should get a detailed explanation regarding any gaps in employment.
- Ask the Same Questions of Each Candidate – Following this practice helps obtain a baseline for comparing the applicants equally. Of course, since every candidate is different, there will be some minor differences in the questions that are asked (e.g., if a candidate’s employment history indicates that he or she spent some time out of their normal field, it would be logical to inquire as to why, even if the other candidates’ histories show that they worked consistently in their field). Asking the same questions of each candidate also helps eliminate the possibility that an allegation of unequal treatment will be made.
- Prepare Questions in Advance – The questions to be asked of the candidate should be prepared well in advance of the interview. Typically, this will be done amongst a team of supervisors that will be conducting the interviews. Of course, having an outline of questions does not mean you cannot ask pertinent follow-up questions. It is important to ensure that none of the questions asked are improper or violate the City’s Policy Against Discrimination and Harassment (see below). If you have any doubt at all about the appropriateness of a question, you should contact Human Resources for guidance. Further, if you take notes of the candidate’s responses, do not make commit any of your opinions or editorial comments to writing; instead, simply summarize the candidate’s response.

Certain question should not be asked of any applicant for employment. Please note that they are no acceptable questions pertaining to an applicant’s race; questions about race should never be asked. Following are some examples of prohibited questions and questions that are lawful, arranged according to topic:

**Age (Not Appropriate):**

- How old are you?
- What year were you born?
- When did you graduate from high school?

**Age (Appropriate):**

- Are you at least 18 years of age?

**Citizenship (Not Appropriate):**

- Are you a citizen of the United States?
- Are you parents/spouse a citizen of the United States?
- On what date did you, your parents or your spouse gain United States citizenship?
- Are you, your parents or your spouse a natural-born citizen of the United States?

**Citizenship (Appropriate):**

- Are you a United States citizen or do you have the lawful right to work in this country? (The City's employment application makes this inquiry, so it is not necessary for you to ask again. The right of every applicant to work in the United States will be verified after a conditional offer of employment has been made).

**National Origin (Not Appropriate):**

- What is your nationality?
- Where were you born?
- Where are your parents from?
- What is the primary language that you speak?

**National Origin (Appropriate):**

- What languages do you speak, read and/or write fluently other than English? (This question should only be asked if having the ability to speak a language other than English would be an asset in the position).
- Can you speak, read, and write fluently in English? (This question should only be asked if it is necessary to speak, read, or write English for the position at issue).

**Marital Status: (Not Appropriate):**

- Are you married, divorced, separated, engaged, widowed, etc.?
- Is this your maiden or married name?
- What is your spouse's name?
- What does your spouse do for a living?

**Marital Status (Appropriate):**

- Questions about marital status are only appropriate post-employment and only on insurance and benefits-related forms.

**Family (Child) Status (Not Appropriate):**

- Do you have children?
- How many children do you have?
- How old are your children?
- Are you children attending kindergarten/school yet?
- What kinds of childcare arrangements have you made?
- How will you be able to care for your children if you have to work overtime/night shift?
- Are you pregnant?
- Do you plan to have children?

**Family (Child) Status (Appropriate):**

- Questions about family status are only appropriate post-employment and only on insurance and benefits-related forms. The following questions are appropriate (assuming they are applicable to the position) at issue, even though they might elicit information about child status: Can you work overtime?; Can you work evening shifts, as needed?; The regular shift for this position is 7:00 a.m. to 3:00 p.m., Monday through Friday, can you commit to that schedule?

**Religion (Not Appropriate):**

- What is your religious affiliation?
- I see you are wearing a Crucifix, Star of David, etc., are you Christian, Jewish, etc.?
- What religious Holidays do you observe or will you need as holidays?
- Do you attend church?

**Religion (Appropriate):**

- Can you work on Saturdays? (This question should only be asked if it is sometimes necessary to work on Saturdays in this position at issue. The question may bear on a person's religion if they are Seventh Day Adventists);
- No other religion-related inquiries are acceptable, unless the applicant raises the need for a reasonable accommodation due to his or her religious beliefs. If an applicant makes a request for a religious accommodation, obtain information from the applicant about what accommodation is needed. The applicant should be advised that their request for reasonable accommodation will be considered if they are selected for the position, based upon their qualifications, experience, etc.

### Disability (Not Appropriate):

- Do you have any disabilities?
- Have you been hospitalized in the last 12 months?
- What's your medical history?
- Do you have any chronic illnesses?
- How do you expect to do this job with only one arm/leg, while confined to a wheelchair, etc.?
- Have you ever filed a workers' compensation claim?

### Disability (Appropriate):

- Pre-employment offer, very few disability-related inquiries are permitted. If an applicant has an obvious disability (e.g., uses a wheelchair, missing a limb) and the interviewer reasonably believes that the applicant will not be able to perform the essential functions of the position due to the disability, the interviewer may ask the applicant to describe or demonstrate how they would perform a specific job function (e.g., use a particular piece of power equipment, if that is an essential function of the job). If the applicant requests a reasonable accommodation in order to demonstrate how he or she would perform the job function, the interviewer should immediately contact Human Resources for guidance.



- If an applicant voluntarily discloses a disability that is not obvious and the applicant states that he or she will need an accommodation because of the condition, the interviewer may ask questions necessary to clarify what accommodation will be needed. For example, if an applicant for a receptionist position voluntarily discloses he or she has diabetes and needs breaks during the workday to take medications, the interview may ask questions such as how often he or she will need to take a break to take medication and how long the breaks will be. The applicant should be advised that their request for reasonable accommodation will be considered if they are selected for the position, based upon their qualifications, experience, etc.

Of course, the foregoing is not an exhaustive list of prohibited questions. If there is any doubt about whether a question may be asked of an applicant, do not ask it. If any have questions about interviewing skills or about whether a particular question may be asked of an applicant, please contact Human Resources.

#### **Section 4. Giving References**

Providing references regarding current and former employees can have significant legal ramifications, particularly if the subject employee previously made a complaint that he or she was treated unlawfully or otherwise engaged in protected activity. For example, Title VII of the Civil Rights Act of 1964, as amended, and numerous other federal and state anti-discrimination statutes prohibit retaliation against current and former employees who have asserted protected rights or engaged in protected activity. Employers giving references about such employees, which disclose poor performance, poor attendance or, worst yet, that the employee filed a charge of discrimination or complained about harassment, run the risk that the “bad” reference will be interpreted as retaliatory.

For these reasons, it is generally best for supervisors to direct all reference requests to Human Resources. It is the policy of the City to only disclose the current or former employee’s dates of employment, position held and last rate of pay. However, if the employee was terminated for workplace violence or other gross misconduct, the City, through Human Resources, may provide information relating to such incidents.

#### **Section 5. Use of Probationary Periods**

Supervisors should make effective use of each employee’s probationary period, whether for new hires or for newly promoted employees. The probationary period is an important tool in which the City, through its supervisors, evaluates whether an employee has the skills and qualities necessary to succeed in their position.

Early in the probationary period, supervisors should give probationary employees the training and counseling necessary to help ensure their success. The employee’s progress in training should be monitored and any shortcomings in performance or in professionalism should be identified, discussed with the employee, and documented. Of course, the employee should be provided with guidance on how to improve their performance and/or their level of professionalism so that they have every chance for success in their position. Each supervisor should keep their Department Director/Division Manager apprized of the progress of probationary employees. Department Director/Division Manager should not learn of performance issues related to a probationary employee for the first time at the end of the employee’s probationary period.

Two weeks before the end of the probationary period, the supervisor should complete an evaluation of the employee’s performance that accurately reflects whether the employee failed to meet expectations, met expectations, or exceeded expectations during the rated period. As stated in the next section, the accuracy of the evaluation is critical. Once the evaluation is completed, it should be provided to your Department Director/Division Manager for review.

With the approval of your Manager/Director and Human Resources, an employee’s probationary period may be extended if there is adequate reason to believe that the employee’s shortcomings can be resolved and that the employee will ultimately become an asset to the City.

Under no circumstances can an initial probationary period be extended unless the evaluation is completed and provided to the employee prior to the end of the probationary period.

## **Section 6. Giving Meaningful Performance Eval's After Successful Completion of the Probationary Period**

The City conducts performance evaluations in order to obtain a clear and accurate understanding of how well an employee is performing. The City relies significantly on the accuracy of performance evaluations in deciding whether an employee in making promotional decisions, in deciding whether an employee will maintain his or her employment, and in other facets of employment. Performance evaluations are also an important tool in planning employee's professional development.

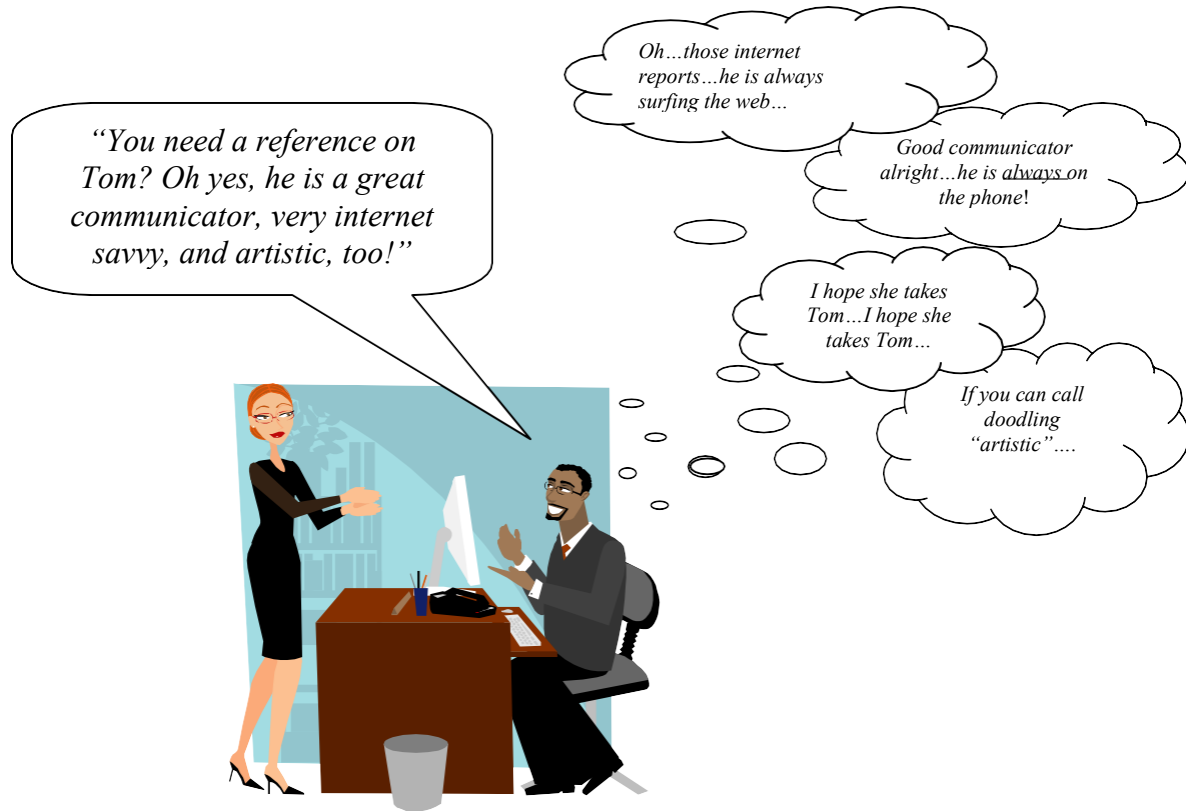
The City expects its supervisors to treat evaluating the performance of subordinates as one of their most important responsibilities. As stated above, accuracy is the most important component of any performance evaluation. Most often, performance evaluations are inaccurate because the rater is uncomfortable or hesitant to give negative feedback about a subordinate. Supervisors often prefer feeling of goodwill and short-term productivity to the difficult task of using constructive criticism to accurately rate the performance of a subordinate. Supervisors sometimes justify the inaccuracy by thinking the problem "will just go away" by itself or that, if the employee gets upset and quits because of a poor evaluation, the replacement will be even worse. However, supervisors have a responsibility to specifically express any performance or professionalism issues with their subordinates in their performance evaluations. Lack of candor in a performance evaluation can have serious consequences. For example, failure to be honest in a performance evaluation can result in the City continuing to employ an individual that is detracting from the ability of your department to meet its goals and objectives, resulting in the City questioning your ability to manage effectively. Further, lack of honesty in a performance evaluation can complicate efforts to terminate an employee who has been a persistently poor performer. In essence, these "charitable" evaluations work against the City. You are expected to fulfill your duty as a supervisor and give evaluations that are straightforward and honest. The following guidelines have been established to help you satisfy the City's expectations:

- Ensure that all subordinates get their performance evaluations as scheduled, including probationary employees. Delaying performance evaluations is unprofessional and gives the impression that the City does not emphasize the importance of good performance or that it does not consider the professional development of its employees to be significant;
- Analyze each position under your supervision and link performance evaluations directly to the core responsibilities of the job. Never allow personal likes or dislikes cloud how you perceive a subordinate's performance or how you rate that subordinate's performance. Favoritism will not be tolerated;
- Avoid gratuitous or extraneous comments in the evaluation. Remember that the performance evaluation will eventually become public record and, therefore, any criticisms should be phrased in a constructive fashion. For example, it would be inappropriate for a rate to make an editorial statement in an evaluation such as "Joe lacks

the intellect for this position” or “Jane has problems focusing on her job because of problems at home.” Your comments should be strictly job-related and not personalized. For example, “Joe has consistently failed to demonstrate an understanding of the department’s policies and procedures resulting customer dissatisfaction” or “Jane needs to be more attentive to her work responsibilities and focus on her productivity”;

- As you might suspect, an annual performance evaluation is not typically the first time that an employee should hear about a performance shortcoming or about conduct that is not acceptable in the workplace (e.g., absenteeism). Ideally, the employee should have been counseled on the issues previously through verbal counseling or through some form of disciplinary action. If these actions did not remedy the problem, the performance evaluation should state that the problem still exists (or has worsened) and should state the previous occasions upon which the employees was advised of the problem (i.e., the dates he or she was verbally counseled, received a written reprimand, etc.);
- Performance evaluations should be reviewed thoroughly by the Department Director/Division Manager prior to providing them to the rated employee. The Department Director/Division Manager should not learn of a problematic employee for first time when reading the employee’s performance evaluation. Subordinate supervisors have a responsibility to keep their Department Director/Division Manager aware of any employee that is not meeting expectations due to performance or misconduct as the problems develop, not all at once or for the first time during the evaluation process;
- After the Manager and/or Director has read and is satisfied with the performance evaluation, the supervisor/rater should meet with the subordinate to discuss the evaluation. The subordinate should be given an opportunity to review and comment on the evaluation. This meeting should be held with another supervisor present, to serve only as a witness. If the employee is upset by the evaluation, you should not engage with a debate or argument with the employee. Further, you should not apologize for the nature of the evaluation. Instead, you should be prepared to offer avenues by which the employee can improve his or her performance and encourage them to meet or exceed the expectations for the position. Depending on the severity of the employee’s performance, a performance improvement plan may be warranted. Performance improvement plans should only be implemented with the concurrence of the Director and/or Manager and Human Resources;
- If the employee claims that performance evaluation was motivated by discrimination, harassment or some other allegedly illegal motivation, immediately refer their complaint to Human Resources and advise the employee of same. Do not make any judgments about the validity of the employee’s allegation. If an employee makes such a complaint, no action can be taken against the employee in retaliation for his or her allegation.
- The subordinate should be asked to sign the evaluation where indicated. If the employee refuses to sign, you should write “Employee Refuses to Sign” on the line where the employee was to execute the evaluation. Subordinates should not be threatened with disciplinary action or other consequences if they refuse to sign.





From this point forward, the City will place new emphasis on supervisors' handling of the performance evaluation process in rating the performance of supervisors. Failure to follow these guidelines in conducting performance evaluations may lead to disciplinary action, up to and including termination of employment. Any questions about performance evaluations should be brought to the attention of Human Resources.

## **Section 7. Undertaking Proper Discipline**

As a supervisor, you are responsible for developing and maintaining good work habits and professionalism among your subordinates and for maintaining a high level of performance in your department. While the City has an array of disciplinary steps it can take in the event an employee fails to perform as expected or engages in some form of misconduct, the City expects its supervisors to curtail the need for the invocation of the City's disciplinary processes through the exercise of sound leadership, by providing positive reinforcement for good work, and by not ignoring the beginnings of poor work performance or misconduct.

The City expects that its supervisors will help ensure that the City's disciplinary processes are used in a fair and consistent manner. It is important that similar incidents of poor performance or misconduct in your department be addressed in a similar manner. Otherwise, a claim of favoritism may result. You should work with Human Resources to ensure that discipline is imposed equitably.

In the event that a supervisor learns of an alleged incident that may warrant the imposition of discipline and believes that an investigation is necessary (e.g., taking witness statements), he or she should immediately contact Human Resources. No supervisor should undertake any type of investigation without first consulting with Human Resources.

The major objective of the City's disciplinary processes is to improve the subject employee's performance or professionalism. Towards that end, the City has adopted a progressive discipline process consisting of the following steps: (1) oral reprimand; (2) written reprimand; (3) suspension without pay; and (4) termination. While the City acknowledges the benefits of a progressive discipline system, it reserves the right, in its sole discretion, to exercise any form of discipline it sees fit. For example, the City reserves the right to terminate an employee for a first offense, if in the City's sole discretion, the offense is sufficiently significant. It should also be noted that the approval of the Human Resources Manager is necessary for any written reprimand and that the approval of the City Manager is necessary for any suspension without pay or termination.<sup>1</sup>

Normally, employees will be notified of verbal or written reprimands by their immediate supervisor or Department Director/Division Manager whereas Human Resources (in conjunction with the City Manager's Office) will issue notices of suspensions or terminations. Supervisors should take care in planning meetings where verbal or written reprimands will be given. Below are some guidelines for effectively handling a meeting where an oral or written reprimand will be given:

<sup>1</sup> Prior to verbal reprimand, supervisors may use verbal counseling as a means to correct poor performance or unprofessional behavior. It should be noted that the City does not treat verbal counseling as discipline in considering a person for a merit increase, promotion, or for other employment purposes. A verbal counseling is simply an informal discussion between a supervisor and his or her subordinate about ways of correcting a performance problem or a lack of professionalism. Verbal counseling sessions should only be undertaken with another member of management present. After the meeting, the employee's supervisor should write a very concise memorandum documenting the date of the verbal counseling, whom was present, the subject of the meeting, and what occurred at the meeting and forward it to Human Resources. Verbal counseling sessions should take place in a private room or area and should be kept confidential.

- Plan for the meeting to be brief, typically lasting no longer than five (5) minutes;
- Have another member of management present as a witness;
- Hold the meeting in an office where you will not be disturbed (ask that telephone calls be held, unless the matter is urgent);
- In the case of a written reprimand or any higher discipline, provide your Department Director/Division Manager and Human Resources with 24 hours advance notice of the date and time the disciplinary notice will be given;
- Plan in advance what are you going to say to the subject employee and be certain that your comments are limited to the offense and that no remarks of a personal nature are made;
- If applicable, advise the employee that their conduct constituted a violation of a particular City or departmental policy or procedure;
- During the meeting, be polite, but firm. Do not be antagonistic or respond to belligerence with belligerence. Do not threaten or belittle;
- Give the employee time to respond and offer his or her side of the story (even though you may have heard it already during the course of any applicable investigation);
- Offer sincere suggestions for how the employee can improve his or her performance or level of professionalism. Express a positive attitude about the employee's ability to improve;
- Do not apologize that disciplinary action is being taken or offer justifications for the behavior that resulted in the disciplinary action;
- After the meeting, prepare a typewritten and dated summary of what occurred and provide your summary to the Human Resources Manager by interoffice mail;
- If the employee claims that the discipline was motivated by discrimination, harassment or some other allegedly illegal motivation, immediately refer their complaint to Human Resources and advise the employee of same. Do not make any judgments about the validity of the employee's allegation. If an employee makes such a complaint, no action can be taken against the employee in retaliation for his or her allegation.

After the employee is notified of the discipline, it is important to follow-up by monitoring the employee's performance and to ascertain whether the discipline achieved its goal. Because the City does not wish to make employees uncomfortable, attempt to monitor the employee's performance as unobtrusively as possible under the circumstances.

Any effective disciplinary process must be backed up by adequate documentation. The importance of adequate documentation cannot be overemphasized. Documentation includes such as things as witness statements, absentee records, other documents reflecting poor performance or misconduct, and documents memorializing oral reprimands, written reprimands, suspensions and/or termination decisions. These documents should be prepared and/or identified before the discipline imposed, with the understanding that additional documents supporting the disciplinary action may subsequently be located.

Documents memorializing oral reprimands, written reprimands, suspensions, and termination decisions should:

- Be concise and dated;
- Describe briefly the who, what, when, where (and, if known, why) of the incident warranting discipline;
- Name (and state the position of) who was present when the discipline was given to the employee;
- Be issued as soon as possible after the incident giving rise to the discipline;
- Be objective and direct and not contain any gratuitous, extraneous, or editorial comments. The purpose of discipline is not to cast aspersions or to recriminate;
- Warns that future performance problems or misconduct may result in further disciplinary action, up to and including termination of employment;
- Contain as attachments the documents, if any, which show poor performance, misconduct or other breach of City policy or procedure occurred (e.g., if the employee is being disciplined for repeated tardiness, it would be appropriate to attach time records establishing that the employee arrived late 3 times during the past three weeks);
- Ask the employee to sign the disciplinary notice where indicated. If the employee refuses to sign, you should write “Employee Refuses to Sign” on the line where the employee was to execute the evaluation. Subordinates should not be threatened with disciplinary action or other consequences if they refuse to sign.



## **Section 8. Preventing & Responding to Complaints of Discrimination & Harassment**

As stated previously, the City strongly supports the right of all employees to be free from any form of discrimination or harassment based upon race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic. The City expects each of its supervisors to work vigorously with the City to prevent any conduct that violates the above-referenced policy from occurring and to take immediate action when a complaint of such conduct surfaces or when an individual supervisor has reason to believe that such conduct is occurring.

At a minimum, supervisors must adhere to the following standards to assist the City in preventing complaints of harassment and discrimination in the workplace:

- Immediately put a stop to any words or actions that you witness that could be deemed offensive based upon a person's race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic, regardless of whether any person who is within a protected class is present or within earshot;
- Set a good example to your subordinates by never engaging in any conversation or publishing anything in writing that could be deemed offensive based upon a person's race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic, regardless of whether any person who is within a protected class is present or within earshot; this includes sending or forwarding inappropriate e-mails to other employees or to third persons sent to you by someone inside or outside of the City;
- Immediately remove any object or sign from the workplace or from any City property that has any connotation (whether intended or otherwise) based upon a person's race, gender, age, religion, national origin, ethnicity, marital status, pregnancy, disability, veteran status, and/or any other legally protected characteristic;
- Acknowledge that sexual harassment does not just involve unwanted sexual overtures or sexually-charged comments between a man and a woman, but also includes (i) sexual harassment by one male against another or one female against another; and (ii) degrading comments made about one gender made by a person of another gender (e.g., "Men should keep their mouths shut because they have nothing intelligent to say.");
- Carefully ensure that each employment decision that you make relative to your subordinates is based upon legitimate reasons and that those reasons can be substantiated through documentation such as performance evaluations, witness statements, records pertaining to absenteeism and/or tardiness, or other data;
- Immediately contact Human Resources if you observe any conduct that could be deemed to violate or even approach a violation of the City's Policy Against Discrimination and

Harassment. If you have any doubts about whether your observation warrants a call to Human Resources, you should call Human Resources.

*Failure of a supervisor to adhere to these standards may result in disciplinary action, up to and including termination of employment.*

Even though the City makes every effort to prevent complaints of discrimination and/or harassment by ensuring equal employment opportunity and the existence of a harmonious working environment, complaints may still occur. Supervisors have an affirmative obligation to respond to such complaints quickly and professionally. You must acknowledge that your duties under the City's Policy Against Discrimination and Harassment can be triggered by: (i) "formal" complaints of discrimination and/or harassment, informal; (ii) casual complaints of discrimination or harassment (including general comments by an employee that seem to just in passing or of no particular urgency). You must also acknowledge that your duties under the City's Policy Against Discrimination and Harassment are triggered the moment you learn of a complaint, regardless of whether the complaining employee wants you to take action or believes that action is warranted. You must also acknowledge that an employee need not use the words "discrimination" or "harassment" to trigger your responsibility to immediately contact Human Resources and to assist the City in taking prompt action; any language that leads you to believe or speculate that any employee is concerned that they have been treated differently or subjected to harassment because of their membership in a protected class should be treated as a complaint and dealt with accordingly. The action that you will need to take will depend on whether the employee's complaint is against you or some other supervisor or employee.

In the event that the an employee comes to you and complains that you have discrimination against him or her harassed them in some based upon a protected characteristic, you should call another member of management into the room before hearing the employee's specific complaints. You and the other member of management of should listen respectfully to the employee's complaints. Neither you nor the other member of management should argue with the employee or attempt to make a case as to why the employee's allegations are false. You should simply advise the employee that you adhere to the City's Policy Against Discrimination and Harassment and that you did not discriminate against or otherwise harass him based upon any protected characteristic. You should thank the employee for bringing the complaint to your attention and ensure him or her that the issue will be immediately forwarded to Human Resources for action. You should also invite the employee to take his or her complaint independently to Human Resources. You should not require the employee to put his or her complaint in writing or tape record the meeting.

After the meeting, you must immediately contact Human Resources. In this context, immediately means the moment after the meeting ends. It does not mean hours or days later. Of course, if the Human Resources Division is closed because of a holiday or because the complaint arose after business hours, contact Human Resources immediately upon their reopening. Human Resources will advise you of the steps necessary to investigate and address the employee's complaint.

In the event that an employee comes to you to complain about discrimination or harassment allegedly perpetrated by someone other than you, you should take the following actions:

- Meet with the complaining employee in a private area and have another member of management present (make sure that the complaining employee's issues are not about the member of management who you invite to join the meeting);
- Do not allow the employee to bring a union representative or any other person into the meeting. Employees are not entitled to union representation or to any other type of representative in this setting. If the employee insists, contact Human Resources for guidance;
- Listen to the employee's concerns closely. Do not attempt to minimize the employee's concerns or to tell the employee that their perceptions or beliefs are flawed or are incorrect. Do not attempt to explain away the employee's complaints. Do not take a position on the truth or accuracy of the employee's allegations;
- Obtain as much detail as you can from the employee about the "who, what, when, where", and why surrounding his or her complaint. If the complaining employee brings notes or other documents (e.g., e-mails) to the meeting, politely ask for a copy of his or her notes or documents to assist in the investigation. Do not condition relief on receipt on a copy of the notes and/or documents;
- Do not require that the employee put the complaint in writing. Do not tape-record the meeting or allow the complaining employee to tape the record the meeting;
- Advise the employee that his or her complaint will be kept as confidential possible, but Human Resources will have to be notified and that an investigation will be conducted.
- Advise the employee that it is the policy of the City to prohibit any form of retaliation for complaining about discrimination and/or harassment. Advise the employee that they should immediately notify you or one of superiors and Human Resources if they feel that they have suffered retaliation;
- If the employee's complaint pertain to acts that lead you to speculate that the employee could be in danger if he or she returns to their assigned work area, ask the employee to remain in your office (or other secure area) while you contact Human Resources. Of course, you should contact Human Resources outside of the hearing of the complaining employee. Human Resources will provide you with immediate guidance concerning how to proceed. In the event, that Human Resources is not available (e.g., after business hours), attempt to contact your Department Director/Division Manager for guidance. If neither of them are available, you should send the complainant home with pay until Human Resources can be reached for guidance;

- Immediately report the complaint to Human Resources. In this context, “immediately” does not mean when you get to it, after lunch, and it certainly does not mean days later. In this context, “immediately” means the moment you learn of the complaint, report, or observation of any conduct that could be deemed to violate the City’s Policy Against Discrimination and Harassment. If the Human Resources Division is closed because of a holiday or because the complaint arose after business hours, contact Human Resources immediately upon their reopening. Human Resources will advise you of the steps necessary to investigate and address the employee’s complaint;

One of the major functions of Human Resources is to quickly and effectively respond to complaints of discrimination and harassment. Human Resources will guide you through the steps to promptly investigate the matter and the steps necessary to remedy the issue, if necessary.

Failure of a supervisor to abide by the City’s Policy Against Discrimination and Harassment or failure to abide by these guidelines for responding to complaint of discrimination and/or harassment, may lead to disciplinary action, up to and including termination of employment.



*Do you know what to do if an employee comes to you with a complaint?*

*As a supervisor, it is your responsibility to act immediately.*