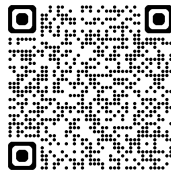




OUR WHY? To partner with local governments so that Texas communities are **STRONGER TOGETHER**

1

Safety Matters. Stay Connected.



2

Our Coverages



**Workers'
Compensation**



Liability



Property



Cyber Liability



Special Risk

3

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3

Performance Management and Disciplinary Actions for Supervisors

Note: We are not attorneys and cannot provide legal advice. We strongly encourage you to have discussion related to this topic with your attorney and review your policies, federal, state and local laws, including your charter, ordinances and resolutions.

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What is HR?

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When you tell a joke so funny,
HR wants to hear it.



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The HR Iceberg



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AIHR
ACADEMY TO
IMPROVE HR

What People Don't See

TML
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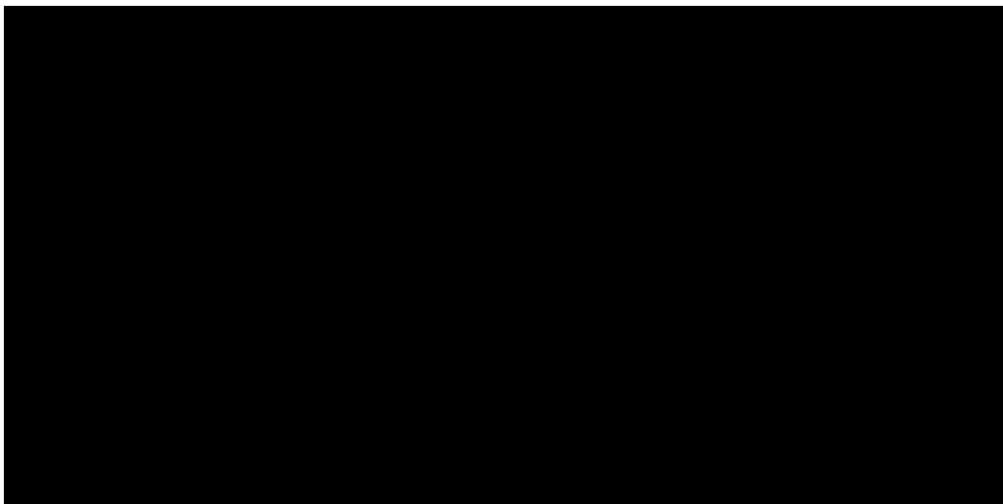
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Symphonic Performance Management*

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*https://youtu.be/PJNp5UKRtbQ?si=N_pBoF4YOGf19LGc

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Supervisor Characteristics

Take a few minutes to talk amongst yourselves (with the people around you) what are some

- **GOOD** supervisor characteristics you have experienced
- **BAD** supervisor characteristics you have experienced

Please do not use any names

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Does This Resonate?

BOSS vs. LEADER 10 HUGE DIFFERENCES

Infographic by @agrassoblog



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Servant Leadership

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If serving is below you,
leadership is beyond you.

Anonymous

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Leadership is Relational

“In Organizations, real power and energy is generated through relationships. The patterns of relationships and the capacities to form them are more important than tasks, functions, roles, and positions.”

Margaret Wheatly



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Supervisors GET To

- Protect the Organization
- Grow the employee



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SERVANT LEADERSHIP

THE POWER OF WORKING FOR YOUR TEAM

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TRADITIONAL LEADER

- Does most of the talking.
- Focuses on personal success.
- Measures success by numbers.
- Relies on authority to get results.
- Sees leadership as a personal accomplishment.

SERVANT LEADER

- Listens actively.
- Prioritizes team needs.
- Measures success by team growth.
- Empowers and shares responsibility.
- Views leadership as serving the team.

PILLARS OF A SERVANT LEADER

Active Listening:
Engages, understands, and responds to what the team has to say.

Ethical Behavior:
Acts fairly, honestly, and responsibly.

Visionary Thinking:
Sees beyond the present to envision the future.

Emotional Intelligence:
Manages emotions positively for effective communication.

Adaptability:
Embraces change and evolution.

Empowerment:
Trusts and sets the team up for growth.

ACTIONABLE STEPS

- 1 Create a Safe Space:**
Build an environment where team members feel safe to express themselves.
- 2 Promote Work-Life Balance:**
Support practices that help balance personal and professional lives.
- 3 Provide Resources:**
Ensure the team has the tools and resources needed.
- 4 Practice Patience:**
Understand growth and change take time.
- 5 Lead by Example:**
Make your team proud.

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10 things great leaders say:

1. I trust you.
2. You got this.
3. I believe in you.
4. How can I help?
5. I am proud of you.
6. Take the lead on this.
7. We are in this together.
8. You are making a difference.
9. Thank you for your hard work.
10. What can I do to support you?

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Follow Lukas J.M. Stangl for more posts like this.



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The best bosses are not the ones who have all the answers or work the longest hours, but those who care the most.

A great boss genuinely cares about you, as a human being, not just as a worker.

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**Effective performance management
begins on/prior to day 1**

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Possible Performance Response Missteps

- Being unfamiliar with your policies and procedures
- Sloppy documentation
- Dishonest appraisals
- Inconsistent statements
- Not taking complaints seriously
- Poor interviewing techniques
- Changing rationale over time
- Lack of employment law knowledge
- Over documenting
- Failing to work with an employee before termination

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Performance Management the Performance Appraisal?

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Too Little too Late?

"I was INTERVIEWING an exiting employee, and here are 5 insights I would like to share with you:

1. *Mental resignation happens long before. The physical resignation is the final act of a loss of hope.*
2. *You can't try to appreciate someone on their way out. It is a little too late.*
3. *Money motivates only to a point. People rarely leave just for money.*
4. *Career progression is one of the biggest factors to retention. Every job plateaus. Create a career path for each employee to ensure they stay motivated.*
5. *Once trust is broken, it's hard to regain."*

Charmanique Hinds on LinkedIn

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Performance Management Cycle



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“Appreciation is a wonderful thing. It makes what is excellent in others belong to us as well.”

Voltaire



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Feedback?



No feedback is not good feedback.

In fact, no feedback is irresponsible and a missed opportunity

If you are a leader, you must give feedback. that's your job.

Feedback either helps people get better and grow, or reinforces the positive they are doing to inspire them to do more of it.

If you don't have time to give feedback, then don't be a people leader.

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Performance Management Tools

COACHING

The ongoing process of both informal and formal feedback that is intended to support employees in skill development as well as to recognize success.

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Performance Management Tools

EFFECTIVE COACHING

Coaching gives the employee an opportunity to hear about aspects of his or her performance in "real time" and to play a role in figuring out how to best adopt or modify their behavior for success.

Coaching conversations should:

- Create a genuinely motivating climate for performance;
- Improve the alignment between an employee's actual and expected performance; and,
- Increase the probability of an employee's success by providing timely feedback, recognition, clarity, and support.

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Performance Management Tools

ROLE OF A COACH

- Provide Direction
- Improve Performance
- Open Possibilities
- Resource

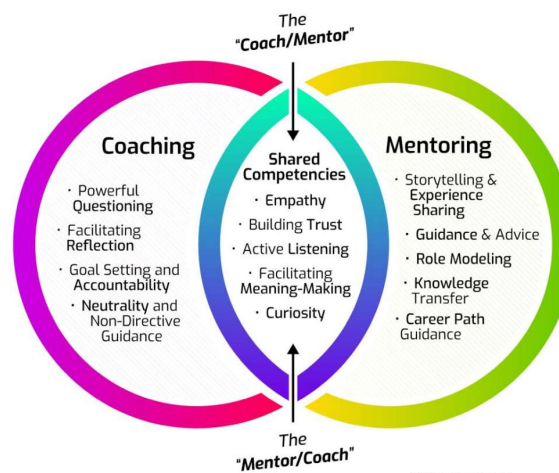
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Coaching vs. Mentorship

Understanding the differences and why



© Timothy Tiryaki

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Performance Management Tools

PERFORMANCE EVALUATIONS

Serve to formalize feedback regarding an employee's achievement of expectations and goals, as well as demonstration of City and departmental values.

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tell me
AND I FORGET
teach me
AND I REMEMBER
involve me
AND I LEARN

-BENJAMIN FRANKLIN

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Effective Discipline and Documentation

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Motivation gets you going, but
discipline keeps you growing.

John C. Maxwell



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Discipline to Disciple

"Example is not the main thing in influencing others. It is the only thing." - **Albert**

Schweitzer (Albert Schweitzer, William Larimer Mellon (1996). "Brothers in Spirit: The Correspondence of Albert Schweitzer and William Larimer Mellon, Jr", p.18, Syracuse University Press)

"The key to successful leadership today is influence, not authority." –

Ken Blanchard

"If you hire people just because they can do a job, they'll work for your money. But if you hire people who believe what you believe, they'll work for you with blood and sweat and tears." – **Simon Sinek**

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"Leaders must set crystal-clear expectations, give consistent feedback, and cultivate a culture where accountability is the norm. Without strong leadership, accountability will always be out of reach."

Accountability starts with clear expectations; it's about owning your actions and their consequences. It's not just about admitting mistakes but also about learning and growing from them."

Pepper Wilson post on LinkedIn

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Effective Discipline Approach

- Protect the Organization
- Grow the employee



Motivation gets you going, but
discipline keeps you growing.

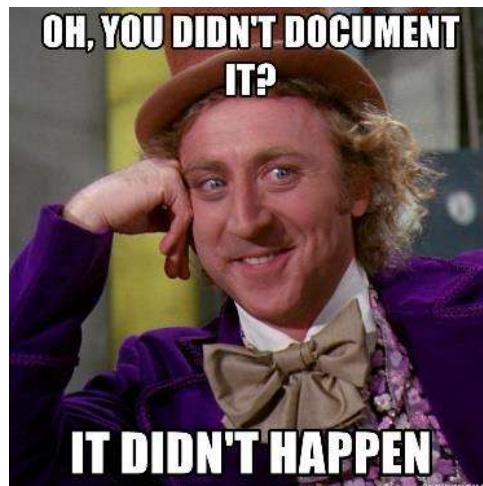
John C. Maxwell

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Gather Facts



OH, YOU DIDN'T DOCUMENT
IT?

IT DIDN'T HAPPEN

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What's the COMPLETE Story?

- What happened and why is it a problem?
- Did the employee KNOW what was expected? How?
- Has this happened before? How has it been addressed in the past?
- How has this been addressed before with other employees?

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10 Steps to Effective Disciplinary Action

1. Address the problem as soon as possible
2. Set a specific time and place
3. Sit...don't stand
4. Private location
5. Focus on the issue NOT the person
6. Be specific about the concern
7. Be collaborative on a solution
8. Avoid negative tone in your statements
9. Encourage the employee
10. Document the meeting

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Keys to Remember

For discipline to be effective, there are some key concepts to keep in mind:

- Don't find fault to just find fault
- Keep good records
- Timeliness
- Don't ignore problems

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Progressive Discipline

Progressive discipline refers to a process by which an employee with disciplinary problems progresses through a series of disciplinary stages until the problem is corrected.

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Steps of Progressive Discipline

- Even if you are an “*At Will Employer*”, following a progressive disciplinary process can help in the event of litigation.
 - Oral Warning (Counseling Session)
 - Written Warning and possible Performance Improvement Plan (PIP), signed by employee
 - Suspension Without Pay (as appropriate), signed by employee
 - Termination, signed by employee

It goes without saying there are some instances when immediate termination is warranted and it is not necessary to follow progressive discipline. You want your HR representative (and your legal counsel) involved in all disciplinary actions and terminations.

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Termination

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Why Terminate?

- A bad fit – good person in the wrong job
- Not delivering on expected performance standards
- The bad actor – unacceptable behavior, no longer tolerated
- The employee who may be stuck in the “good old days”
- The friend-coworker turned office pal becomes your direct report and now may be taking advantage of you

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Review Documentation Prior to Termination

- Job Description
- Policies
- Performance Appraisals
- Disciplinary Actions

TIP: *You must document everything, and it must be objective and non-discriminatory*

TIP: *Before you terminate, you must ask some questions*

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Possible Termination Questions

- Do you feel comfortable that you will be able to prove, with evidence, that the employee violated the rule or policy or the standard of performance was not met, and that you have treated other similar situations with the same level of discipline in similar circumstances?
- Are there any prior written commitments (agreements or promises) in the employee's personnel file regarding a specific term of employment, continued employment, or is there a policy that requires termination of employment "for cause"?

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Possible Termination Questions

- Are there any complaints or claims (formal or informal) that the employee has made against the organization, co-worker, vendor, citizen?
 - **TIP:** For public safety be aware of the requirements of Chapter 614 of the Local Government Code (LGC) regarding complaints against a public safety officer as defined (and may not apply to organizations covered by meet and confer or collective bargaining under LGC Chapter 143 or 174)...**ASK YOUR CITY ATTORNEY!**

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Possible Termination Questions

- Does the employee fall into a “protected category” (race, color, religion, sex, national origin, age, disability, pregnancy, family status, etc.)?
- Has the employee taken any protected leave over the past year?
- Have you disciplined other employees for this same general rule violation or performance issue? If not, why?

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Possible Termination Questions

- Has the level of discipline imposed been substantially the same for the same violation or performance deficiency for other employees? If not, why?
- Have you failed to discipline for the same general rule violation or performance deficiency, even though some other employees may have been disciplined for it? **If so, why?**
 - ***TIP:*** Always be prepared to treat your “opportunity” employee the same as you do your “best” employee. In other words, if you’d do something for your best employee, you need to be prepared to do it for your worst

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Can I Fire?

- ***“Employment at Will”*** means either the employee or the employer may terminate the employment relationship at any time, for any reason or no reason...as long as the reason is not illegal
- Employers cannot fire an employee to discourage or punish him/her from making a claim under the law
- Employers may not fire or discipline employees if the reason is discriminatory
- The burden of proof to show the reason for termination was not for illegal reasons is on the employer *not the employee*
- Utilize TMLIRP’s **Call Before You Fire** line at **1-800-537-6655** ask for legal

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Offboarding Example “Tasks for Involuntary Employee Departure” – BambooHR.com

- Review documentation of process leading up to termination, and ensure you have the following:
 - A. Documentation that the employee was notified verbally and in writing of any and all infractions, including poor performance reviews, verbal and written warnings, and suspension. Ensure that clear instructions on how to improve performance were communicated verbally and in writing, and that the consequences of not adjusting were made clear.
 - B. Documentation that the employee was provided with employment policies, procedures, and policies that clearly define employee standards, expectations, and responsibilities.
- Review relevant state and federal laws regarding “at-will” employment.
- Ensure that any retaliatory public policy exceptions like workers compensation or FMLA aren’t at play.
- Ensure that any possible wrongful termination or discriminatory actions were not taken based on the following factors determined by the EEOC: age, disability, ethnic or national origin, color, race, religion, gender identity, sexual orientation, or veteran status.
- During the termination interview, inform the employee verbally and in writing of the status of their final paycheck, any severance pay or package, and when any additional benefits end.
- Provide the employee with any end-of-employment paperwork they need to review and sign, including healthcare, unemployment, and retirement benefits, along with reminders of when the paperwork should be signed and returned by.
- Follow company protocols for assisting the employee in gathering their belongings and removing them from the workplace.

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For Cause Termination Suggestions

- Ensure the employee is not a danger to themselves or other employees, contact law enforcement for assistance or to report illegal acts
- Include the employee's supervisor and a Human Resources Representative, or the supervisor's manager (*check your policy and always have a neutral witness*)
- Remain polite and respectful
- Do not allow the employee to argue or debate the circumstances around the termination
- Obtain all property and/or equipment issued
- Discuss exit processes including final pay, insurance, COBRA, retirement, etc.
- Escort the employee out of the building with the understanding that if they return to the work area they will be trespassing
- Don't gossip

Consult with your HR Department and Legal Counsel for your organization's process

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Non-Performance Termination Suggestions

- Include the employee's supervisor and either a Human Resources representative or the supervisor's manager (*check your policy and always have a neutral witness*)
- Be straight forward, civil, concise and compassionate
- Provide termination paperwork
- Respect the person's dignity, allow them to speak or ask questions
- Don't become angry or argue with the employee (stay on script)
- Collect all property/equipment issued or determine its location or a time to return
- Give the employee a choice about who among the meeting attendees will walk them out of the building. Give the employee a choice about whether he or she wants to remove personal items from their workstation either now or after hours. They may ask you to box up their belongings and make arrangements to get it later
- *Consult with your HR Department and Legal Counsel for your organization's process*

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Think Abouts

- Be alert – always consider your actions and the actions of your employees
- Follow your organizations policies
- Document
- Build consensus and consult with your HR representative and your legal counsel
- Remember the two things we GET to do as supervisors
 - Protect the Organization
 - Grow the Employee

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Falling Forward*



*<https://youtu.be/2sHc581qEQc?si=bYGafxar7zvPuxtt>

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These pocket picks are intended to serve as 2 reminders

1. As an individual "musician" in your organization, YOU absolutely are making a difference to others on a daily basis with the passion of service you bring.

2. You are a VITAL part of your organization's symphony, not only sharing your expertise and talent but also blending it in harmony with the other "musicians" who surround you.

We are each a member of our organization's "symphony" and are daily connecting to/impacting something bigger than just self getting to demonstrate our mission, vision and values in a collective harmony.



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"Act as if what you do makes a difference. It does."

William James

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QR Code for Presentation



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OUR WHY? To partner with local governments so
that Texas communities are **STRONGER TOGETHER**

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