



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

1

Safety Matters. Stay Connected.



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2

Tony Koriath 3.0 Human Resources Training

Day One Afternoon: Craig Barnes

***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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4



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5

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



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6

Going With the Flow?



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7

Pressure



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8

Functioning?

Mind Core · Follow
4d · 🌐

When you ask me how I'm doing and I say "I'm functioning" this is what I mean

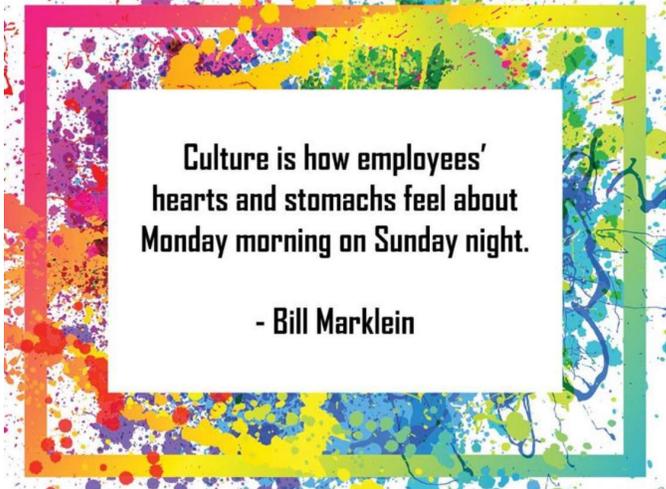


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Sunday Scaries?



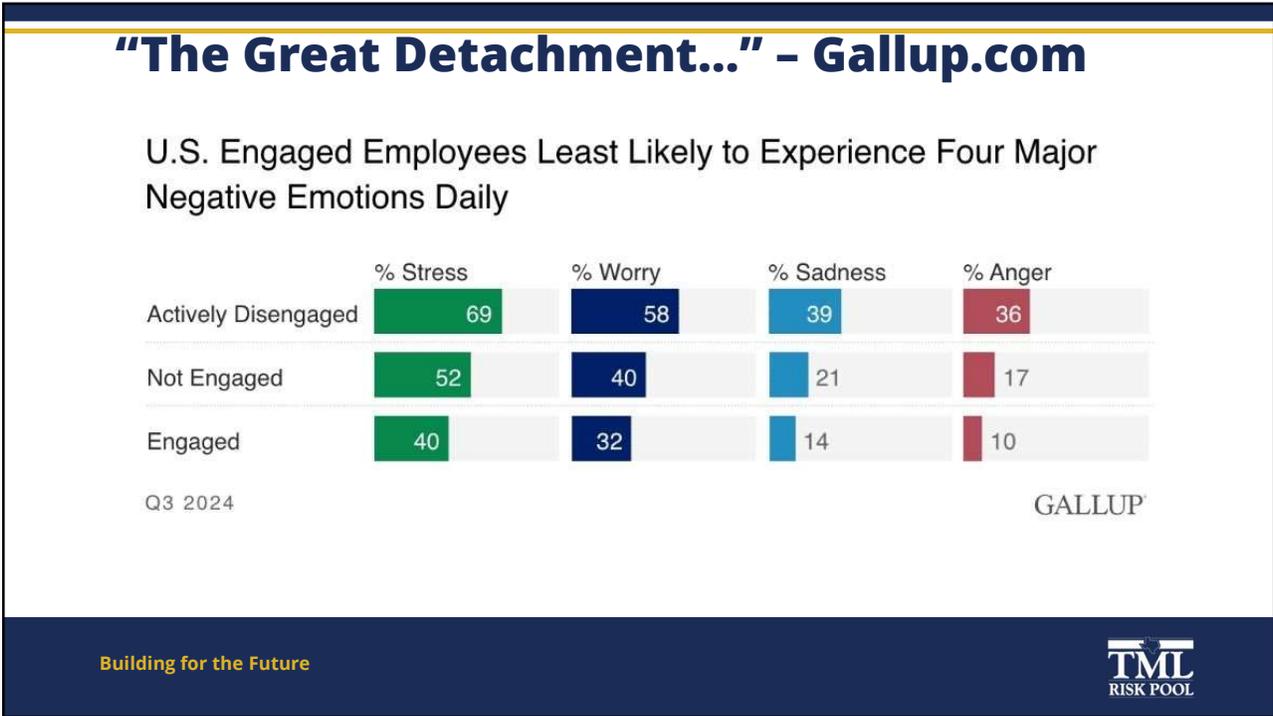
Culture is how employees' hearts and stomachs feel about Monday morning on Sunday night.

- Bill Marklein

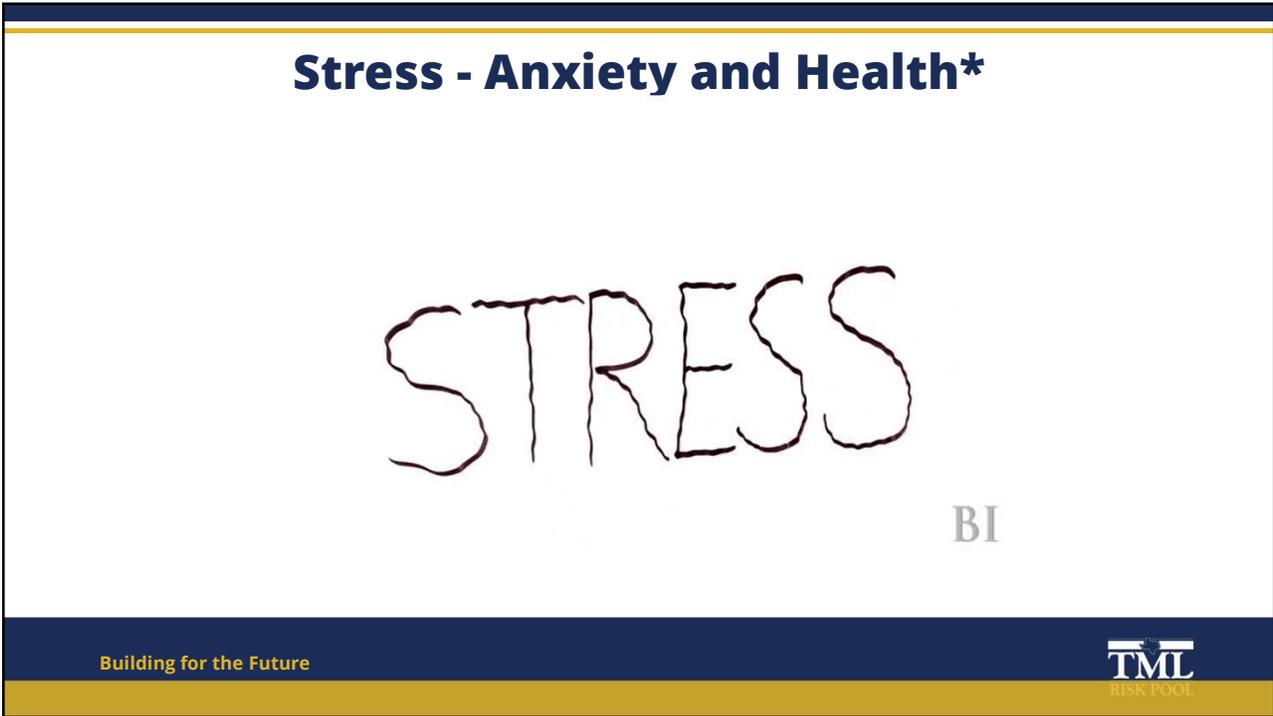
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**ASK
SEEK
ACT**

13

ASK

“The only true wisdom is in knowing that you know nothing.” – Socrates

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Importance of Asking Questions of Self & Others

“Questions are useful tools, they open lines of communications; give us information; improve interactions, facilitate analysis and diagnostics of a situation; allow us to propose our own ideas; help to understand the priorities of others; stimulate motivation to learn; motivate creativity and more importantly scientific research, explanations and its applications happen in part through questions and answers.”

The importance of asking questions and doing things for a reason – PMC National Library of Medicine

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Engagement and Psychological Safety

According to Dr. Timothy Clark, employees have to progress through the following 4 stages before they feel free to make valuable contributions and challenge the status quo.

- **Stage 1 — Inclusion Safety**
- **Stage 2 — Learner Safety**
- **Stage 3 — Contributor Safety**
- **Stage 4 — Challenger Safety**



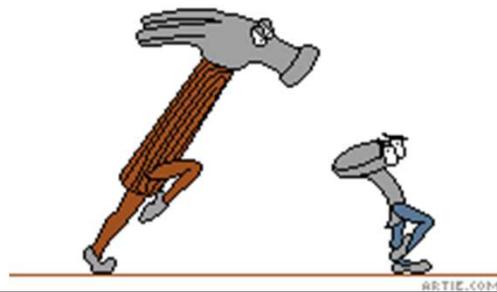
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SEEK

“Seek first to understand. Then be understood.”
– Stephen R. Covey

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“I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail.” – **Abraham Maslow**



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Be Curious...Not Judgmental - Ted Lasso



*Video Portion from https://youtu.be/i_FofLSherM?si=2zaEBx0IO7M2OGGn

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The BE's of Care for Self (and Others)

BE

- *CURIOUS*
- *NON-JUDGMENTAL*
- *RESPECTFUL*
- *GENUINE*

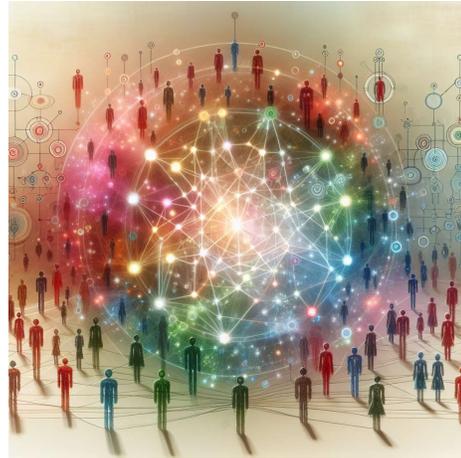


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Relational Engagement

“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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ACT

“Don’t let what you cannot do interfere with what you can do.” – Coach John Wooden

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Ok You've Asked and Sought - What's Next?

Do the best you can until
you know better.
Then when you know better,
do better.

-Maya Angelou

EmilysQuotes.Com

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Weight of a Glass of Water



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Organizational Culture

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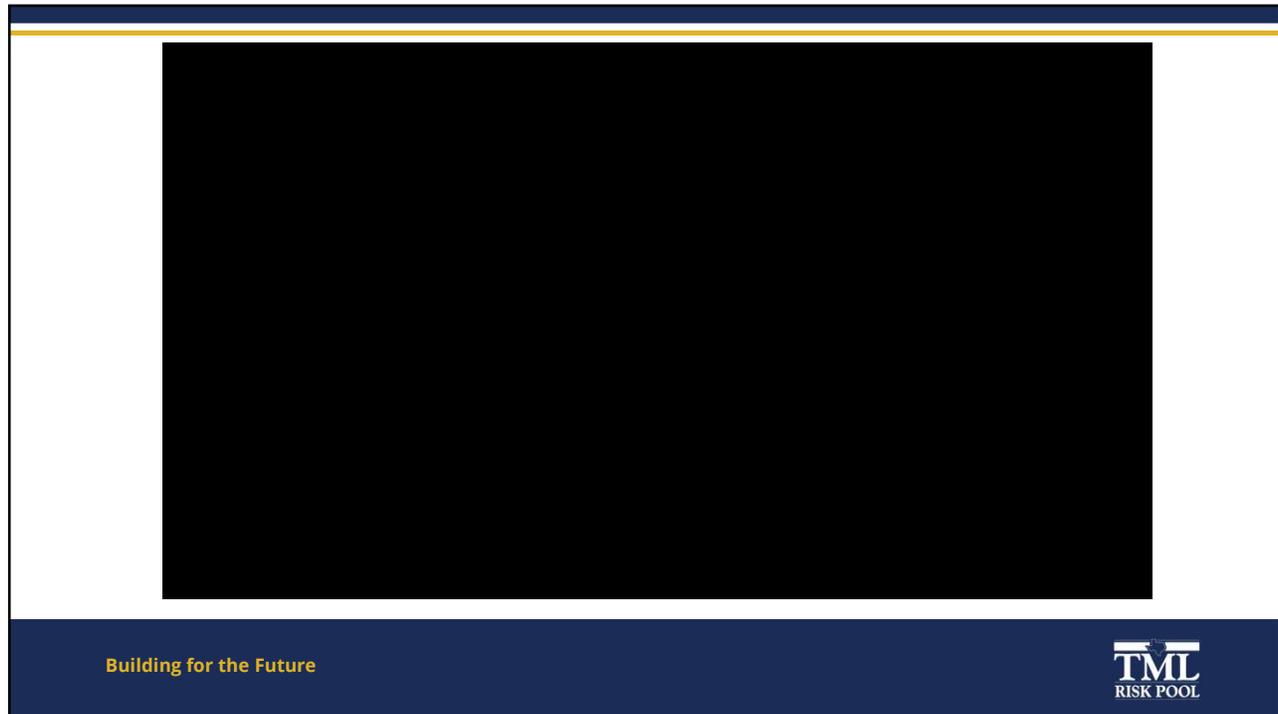
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New Era?

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Organizational Culture - It's ALIVE but is it WELL?

Workplace culture is a living organism that will create itself and grow without much effort. However, creating and sustaining a culture that is just not alive, but breathes life into others takes intentional effort and is a journey for the whole organization.



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Can You Hear the “POP”?

“**DISCOVER** your core values and purpose beyond just making money (core ideology) and combine this with the dynamic of **PRESERVE** the core/**STIMULATE** progress.”



James C. Collins *Good to Great: Why Some Companies Make the Leap... and Others Don't*

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The 4 Letter Word TIME

To help with a sense of inclusion/belonging, it requires the willingness and effort of **TIME**.

- *Taking*
- *Intentional (Purposeful/Genuine)*
- **Moments to**
- *Engage (Actively **Ask, Seek and Act**)*

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Civility (RESPECT) in the Workplace?

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Civility Index - SHRM

CIVILITY INDEX SCORE

SHRM's Q1 2024 Civility Index score is **42.3** out of 100, indicating that incivility is a common experience in the daily lives of U.S. workers. This signals an urgent need for people and businesses to take action to prevent incivility from escalating.



STATE OF CIVILITY: ZONE 1 (0-10), ZONE 2 (10-30), ZONE 3 (30-50), ZONE 4 (50-75), ZONE 5 (75-100)

STAY ALERT (0-30), TAKE ACTION (30-50), THIS IS NOT A DRILL (50-75), CODE RED (75-100)

INCIVILITY + DAILY LIFE
Our daily lives are saturated by incivility. We can do better.

- 2K acts of incivility PER SECOND
- 120K acts of incivility PER MINUTE
- 7M acts of incivility PER HOUR
- 171M acts of incivility PER DAY

INCIVILITY + BUSINESS
Incivility takes a toll on business. You can't afford it.

- 66% OF U.S. WORKERS AGREE THAT INCIVILITY REDUCES PRODUCTIVITY
- 59% OF U.S. WORKERS AGREE THAT INCIVILITY CAUSES A DECLINE IN EMPLOYEE MORALE

INCIVILITY + THE WORKPLACE
Incivility threatens a healthy workplace. Let's transform the world of work, together.

- 40% NEARLY 40% OF DAILY ACTS OF INCIVILITY OCCUR IN THE WORKPLACE
- 44% 44% OF U.S. WORKERS WHO WITNESSED OR EXPERIENCED INCIVILITY AT WORK SAID THEIR COWORKERS WERE INVOLVED
- 25% ONLY 25% OF U.S. WORKERS BELIEVE THEIR MANAGERS ARE EFFECTIVE AT HANDLING INCIVILITY

MORE THAN HALF OF U.S. WORKERS BELIEVE OUR SOCIETY IS UNCIVIL

Today the call for civility rings loudly, and it's our shared responsibility to foster respect and empathy that will allow people and business to thrive. We may not always agree, but we can each be a catalyst for civility – one conversation at a time.



SHRM Q1 Civility Index

In March 2024, SHRM surveyed 101 U.S. workers to understand how often they experience or witness uncivil behavior in their daily lives and in the workplace. The data is weighted to ensure the survey results represent the experiences of the broader U.S. working population.

shrm.org/civility



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Un-Civilized Workplace and Possible Effects

Robert I. Sutton, PhD identified some possible behavior traits and potential organizational costs because of an uncivilized workplace.

- *“Behavior that demeans or belittles others. This could include verbal abuse, bullying, or undermining colleagues.”*
- *“Financial and emotional costs that toxic individuals impose can reduce productivity, increase employee turnover, and create a hostile work environment.”*
- *“The toll toxic behavior takes on employees can lead to stress, anxiety, burnout, and decreased job satisfaction. This emotional damage not only affects individual well-being but also reduces overall team performance and engagement.”*

Dr. Sutton shares in our organizations we should strive to maintain a *“respectful, positive workplace culture by not hiring or tolerating people who engage in toxic behavior”* **and** *“that organizations must enforce this rule consistently to protect their culture.”*



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Five Strategies for Addressing Toxic Behavior in the Workplace*

**inclusiongeeks.com*

“Toxic behavior **corrodes** trust, **stifles** innovation, and **breaks down** the very foundation of a successful workplace. It shows up in unchecked behaviors, in cultures that value outcomes over people, and in power dynamics that silence or exclude.”

Five strategies to possibly address toxic behavior in the workplace

1. Set the standard for behavior
2. Acknowledge power and privilege
3. Equip people to navigate conflict
4. Model accountability at every level
5. Build psychological safety



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**What are
most
employees
looking for?**

A positive working environment, where they feel that they matter and are treated fairly.



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Bullying

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Possible Bullying Behaviors



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Bullying



- Generally, not prohibited by any federal or state law
- Inappropriate and
- Unacceptable

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Harassment and/or Discrimination

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EEOC Harassment Definition*

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwanted or unwelcomed conduct behavior that is severe or pervasive and based on:

- Race
- Color
- Religion
- Sex
 - (including pregnancy, gender identity, & sexual orientation)
- Mental or Physical Disability
- Nationality
- Age
 - (40 & older)
- Genetic Information
 - (including family medical history)

*<https://www.eeoc.gov/harassment>

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Harassment*

- Harassment becomes unlawful where
 - Enduring the offensive conduct becomes a condition of continued employment, or
 - The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
 - Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
- Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated.

**<https://www.eoc.gov/harassment>*

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Title VII of the Civil Rights Act of 1964 UNLAWFUL EMPLOYMENT PRACTICES*

It shall be an unlawful employment practice for an employer

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

**<https://www.eoc.gov/statutes/title-vii-civil-rights-act-1964>*

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Protected Classes

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Sex/Gender Based Harassment

Discrimination based on someone's:

- Sex/gender,
- Sexual orientation
- Gender identity
- Pregnancy

Partner with your HR/Legal team regarding questions

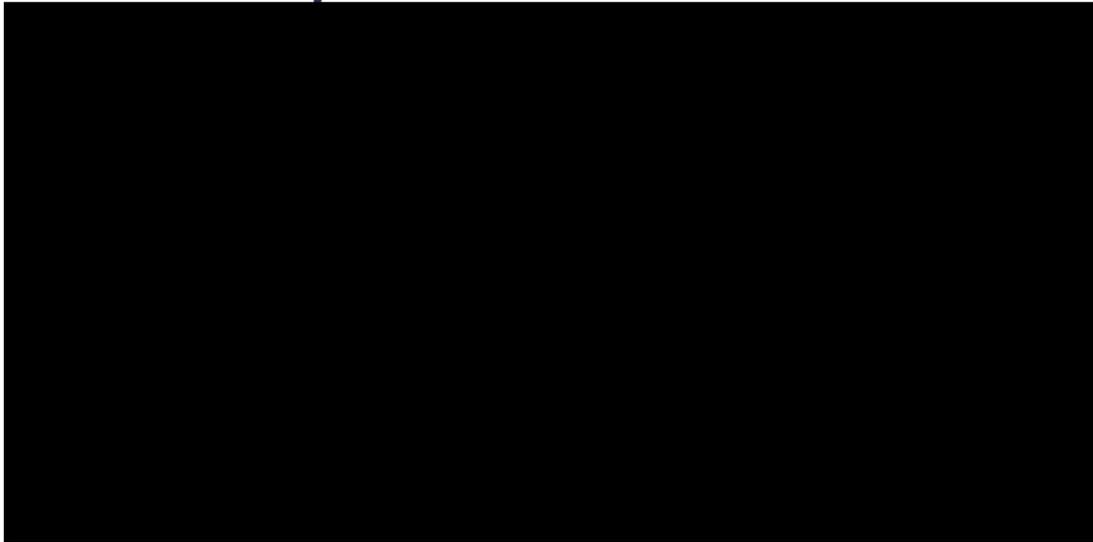


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YouTube Example from Nicki Swift



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Faragher vs Boca Raton (1998)

- Beth Ann Faragher worked intermittently as an ocean lifeguard for the city of Boca Raton, FL from 1985-1990
- Sued the city and two lifeguards she accused of unwanted touching and making offensive comments and gestures
- Said it was a really good job except for the constant groping by one supervisor and sexual innuendoes and comments by others
- Case went to the Supreme Court where it said that if alleged harassers are supervisors, employers can be liable for damages, even if the employer is not aware of the harassment

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SB 45 & HB 21 and what it means to you.

- Effective September 1, 2021
- Individual liability for those who act “directly in the interests of an employer” as well as supervisors and coworkers
- Requires employers to take **immediate** and appropriate corrective action where the employer **knows or should have know** of sexual harassment
- Charge filing period changed from 180 to 300 days



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Continuing Violation Doctrine*

- To pursue an employment discrimination claim under Title VII, including a harassment case, an employee must file a charge of discrimination with the EEOC within either 180 or 300 days of the unlawful employment practice, depending on which state the employee works in.
- The question in a hostile work environment scenario is, “what constitutes the unlawful employment practice?” that triggers the need to file an EEOC charge since the claim usually involves a series of events rather than a discrete act (such as a pay cut). In *Morgan*, the Supreme Court held that a “hostile work environment claim is comprised of a series of separate acts that collectively constitute one ‘unlawful employment practice.’” (citing Title VII, 42 U.S.C. § 2000e-5(e)(1)).
- In sum, the **continuing violation doctrine** holds that if an employee files an EEOC charge while at least one act constituting the hostile work environment is still timely, then the whole time period of the hostile work environment can be considered for purposes of deciding liability.

**National Law Review* – natlawreview.com

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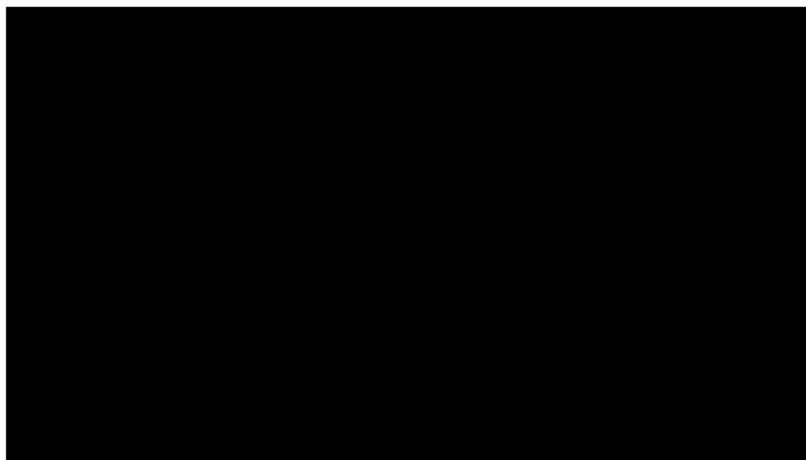
SB 45 & HB 21 and what it means to you.

- Effective September 1, 2021, both apply to employers in Texas with 1 or more employee
- Individual liability for those who act “directly in the interests of an employer” as well as supervisors and coworkers
- Requires employers to take **immediate** and appropriate corrective action where the employer **knows or should have known** of sexual harassment
- Charge filing period changed from 180 to 300 days



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Interview Example - Discrimination Free Hiring?



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- The target of the harassment

AND

- And anyone affected by the offensive conduct (bystander)

Who is impacted by the harassment

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What would you do?

- Encourage all employees to say something to the person if they are uncomfortable with someone's behavior
- If you observe someone engaging in this type of behavior, pull them to the side and let them know you saw it and that you expect they will not do it again
- Train your supervisors
- Train your employees
- Train, Train, Train

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Pregnancy Discrimination

Illegal to discriminate against a woman because of:

- pregnancy
- childbirth
- A medical condition related to pregnancy or childbirth

OR

- Intent to become pregnant*



*Pregnancy Workers Fairness Act (6-27-2023)

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Race Discrimination

Involves discrimination based a person race such including cultural practices or physical characteristics associated with race (such as hair texture, skin color, or certain facial features).

- CROWN Act - HB567 (Eff. 9/1/23)
 - *Creating a Respectful and Open World for Natural Hair*



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National Origin Discrimination

Unfavorable treatment of a person because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).



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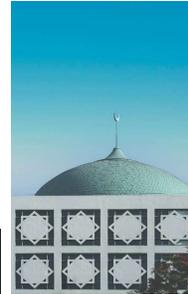
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Religious Discrimination

- Involves treating an unfavorably because of his or her religious beliefs.
- The law protects people who belong to traditional, organized religions, as well as those who have **sincerely held religious**, ethical, or moral beliefs.*

**Groff v. DeJoy* (6-29-2023)

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Mental or Physical Disability Discrimination

- According to the EEOC, disability discrimination occurs when an employer or other entity covered by Title I of the Americans with Disabilities Act (ADA) (which protects private and state and local employees) treats a qualified employee or applicant unfavorably because of disability. The disability laws forbid discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- It is illegal to harass an applicant or employee because of a current or past disability an actual or perceived physical or mental impairment that is not transitory and minor, or for association with an individual with a disability. Harassment can include offensive remarks about a person's disability. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

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Age Discrimination in Employment Act (ADEA)

- Involves treating an applicant or employee less favorably because of his or her age.
- Forbids age discrimination against people who are age 40 or older.



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Genetic Information Discrimination ACT (GINA)

- Genetic information includes information about
 - an individual's genetic tests and
 - the genetic tests of an individual's family members
 - information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history)



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Some Things To Think About Regarding Unacceptable Conduct

- Even if the people engaging in the unacceptable conduct are “fine” with it, is not a defense for the unacceptable conduct/behavior (3rd party)
- Remember that professional meetings, business trips and social events are an extension of your workplace (alcohol)

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Claim Examples from the EEOC

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Potential Cost of Discrimination and Retaliation (Sex and Race)*

Employee fired because they engaged in protected activity by complaining about discrimination.

\$70,000

**U.S. Equal Employment Opportunity Commission -
eoc@updates.eeoc.gov*

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Potential Cost of Discrimination and Retaliation (GINA and ADA)*

Dollar General required applicants to pass a pre-employment medical exam during which they were required to divulge past and present medical conditions of family members such as cancer, diabetes, and heart disease. The EEOC also alleged that Dollar General used qualification criteria that screened out qualified individuals with disabilities.

\$1,000,000

**U.S. Equal Employment Opportunity Commission
- eoc@updates.eeoc.gov*

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Potential Cost of Discrimination (Race)

Delivery company DHL will pay settlement and be subject to the oversight of a court-appointed monitor to settle a class race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

\$8.7 Million

**U.S. Equal Employment Opportunity Commission - eeoc@updates.eeoc.gov*

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Potential Cost of Discrimination and Retaliation (Sex)*

A cleaning service provider in eastern Wisconsin, will pay and furnish other relief to settle a sexual harassment lawsuit

\$200,000

**U.S. Equal Employment Opportunity Commission -*

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Retaliation

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What is Retaliation*

When employers treat differently applicants, employees, former employees, or people closely associated with someone who:

- Reported discrimination
- Participated in a discrimination investigation or lawsuit (for example, serving as a witness), or;
- Opposed discrimination (for example, threatening to file a charge or complaint of discrimination).

For example, it is illegal to fire an employee because she filed a charge of discrimination with the EEOC. This is true even if the EEOC concludes that the charge of discrimination does not have merit.

Retaliation is not only illegal, it's also bad for business. It is in your best interest for employees to feel comfortable reporting discrimination to you so you can investigate and address any conduct that violates the law or your company's policies.

*<https://www.eeoc.gov/employers/small-business/8-what-retaliation-and-how-can-i-prevent-it>

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Examples of Possible Retaliation*

Depending on the facts, it could be retaliation if an employer acts because of the employee's EEO activity to:

- reprimand the employee or give a performance evaluation that is lower than it should be;
- transfer the employee to a less desirable position;
- engage in verbal or physical abuse;
- increase scrutiny;
- make the person's work more difficult (for example, punishing an employee for an EEO complaint by purposefully changing his work schedule to conflict with family responsibilities).

*<https://www.eeoc.gov/retaliation>

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Retaliation*

- The EEO laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Asserting these EEO rights is called "protected activity," and it can take many forms.
- Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it.
- Engaging in EEO activity, however, does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate workers if motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences. However, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

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*<https://www.eeoc.gov/retaliation>

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Disciplinary Actions and Their Purpose

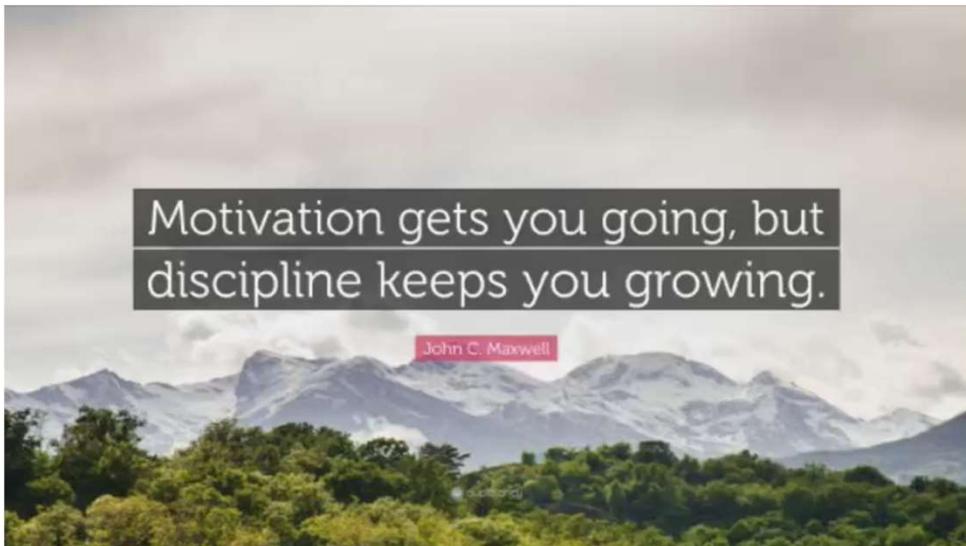
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Motivation gets you going, but
discipline keeps you growing.

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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Servant Leadership

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LEADERS, YOUR
ACTIONS SPEAK SO
LOUD YOUR TEAM
CAN'T HEAR WHAT
YOU'RE SAYING.
ACT ACCORDINGLY.

Hashim Hashim

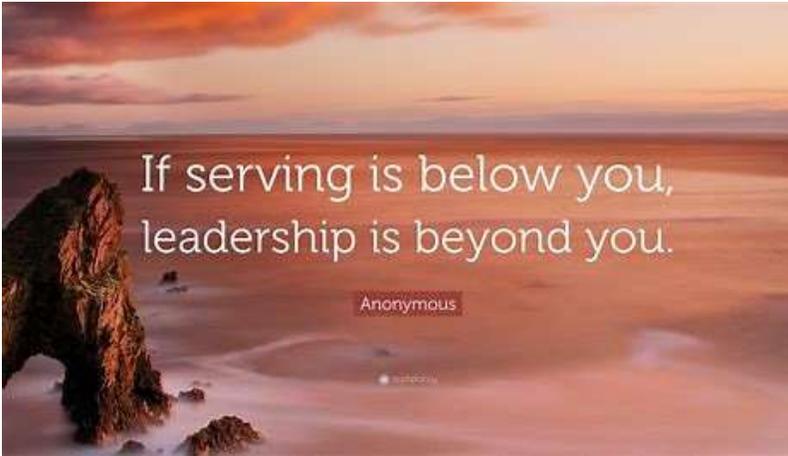
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Supervisors GET To

- Protect the Organization
- Grow the employee



If serving is below you,
leadership is beyond you.

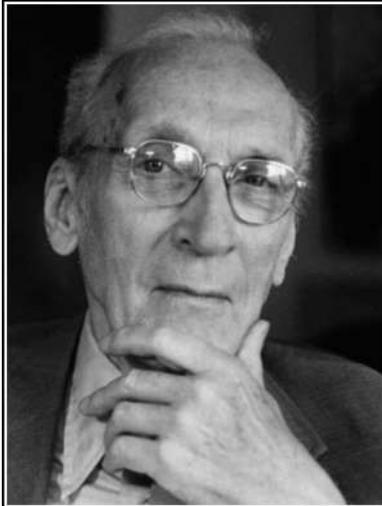
Anonymous

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Servant Leadership



The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first.

— Robert K. Greenleaf —

AZ QUOTES

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**A BOSS SEES YOUR RESULTS
AND GIVES YOU EXTRA WORK.**

**A LEADER SEES YOUR POTENTIAL
AND GIVES YOU NEW OPPORTUNITIES.**

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SERVANT LEADERSHIP THE POWER OF WORKING FOR YOUR TEAM

© Dr. Christian Poengen

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.

Emotional Intelligence:
Manages emotions positively for effective communication.

Ethical Behavior:
Acts fairly, honestly, and responsibly.

Adaptability:
Embraces change and evolution.

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

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

Voltaire

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Servant Leadership Is...

- Focusing on the growth and well-being of individuals and the community, rather than on personal power or recognition
- Serving others, fostering trust, and creating a collaborative and inclusive environment
- Prioritizing the needs of the team
- Empowering others to reach their full potential and contribute to a shared vision

Not Just Me BUT We

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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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Roles of a Coach

- Provide Direction
- Improve Performance
- Open Possibilities
- Resource

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Feedback FEEDS



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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.



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.

People are the most important part of any organization because they envision and drive the ideas, take action by bringing the ideas to life, and adjust as needed based on the outcome for the whole rather than just self.

1. People Create and Execute Strategy

No matter how brilliant an idea/strategy is, it's people who:

- *Develop it based on insight and experience*
- *Execute it through collaboration and effort*
- *Adapt it when conditions change*

2. Innovation Comes from People

Technology and systems are tools, but innovation comes from creativity. People:

- *Solve problems*
- *Improve processes*
- *Invent new and effective ways to serve*

3. Culture Is People

An organization's culture (its values, behaviors, and sense of purpose) is shaped by:

- *How people treat each other*
- *How people can see, understand, and work towards something bigger than self*

4. Relational Engagement Drive Success

Whether it's with customers, citizens, or colleagues, success depends on:

- *Trust*
- *Transparency*
- *Communication*
- *Empathy and understanding*

5. People Can Adapt and Grow

Organizations face constant change. People have the opportunity to:

- *Learn new skills as well as from mistakes*
- *Embrace new roles seeing the opportunities they provide*
- *Lead transformation by owning the change, "walking the talk", and bringing it to life*

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FMLA/ADAAA

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FMLA (FAMILY MEDICAL LEAVE ACT)

What is FMLA?

The FMLA applies to all:

- public agencies, including local, state, and federal employers; and local education agencies (schools); and
- private sector employers who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year

In order to be eligible to take leave under the FMLA, an employee must:

- work for a covered employer;
- have worked 1,250 hours during the 12 months prior to the start of leave;

NOTE: The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included.

Intermittent Leave

Employee is entitled to take intermittent or reduced schedule leave for:

- Employee's or qualifying family member's serious health condition when the leave is medically necessary
- Covered service member's serious injury or illness when the leave is medically necessary
- A qualifying exigency arising out of a military member's covered active-duty status

Leave to bond with a child after the birth or placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent or reduced schedule leave.

Amount of FMLA Leave

Eligible employees may take up to 12 workweeks of FMLA leave:

- For the birth or placement of a child for adoption or foster care
- To care for a spouse, son, daughter, or parent with a serious health condition
- For the employee's own serious health condition

Employer Responsibilities

Some or equivalent job

- Equivalent pay
- Equivalent benefits
- Equivalent terms and conditions

Employee has no greater right to reinstatement than had the employee continued to work

Common FMLA Questions

Is FMLA paid?

- No, it is not paid. It only offers job protection. Paid leave can be used concurrently with it.

Can an employee decline FMLA protection?

- No, employers are required to place employees on FMLA.

NOTE: Partner with your HR/legal team regarding questions

Employers Cannot

- Interfere with, restrain or deny employee FMLA rights
- Discriminate or retaliate against an employee for having exercised FMLA rights
- Discharge or in any other way discriminate against an employee because of involvement in any proceeding related to FMLA
- Use the taking of FMLA leave as a negative factor in employment actions (evaluations, excessive absenteeism, raises, etc.)

FMLA Resources

- FMLA (Department of Labor) <https://www.dol.gov/agencies/eisai/initiatives/fmla/fmla>
- FMLA (FAQs) <https://www.dol.gov/agencies/eisai/initiatives/fmla/fmla>

ADAAA (AMERICANS WITH DISABILITIES ACT AS AMENDED)

Definition of Disability

A person can show that he or she has a disability in one of three ways:

- Has a physical or mental condition that substantially limits one or more major life activities
- Has a history of a disability
- Being regarded as having a disability

Interactive Process

As part of the interactive process, the EEOC recommends that employers:

- Analyze the particular job involved and determine its purpose and essential functions;
- Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
- In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
- Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer.

Disability Discrimination Examples

- Treating a qualified individual with a disability who is an employee or applicant unfavorably because he/she has a disability.
- Also occurs when an applicant or employee is treated less favorably because she has a history of a disability (such as cancer) or because she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment).
- The law also protects people from discrimination based on their relationship with a person with a disability. For example, it is illegal to discriminate against an employee because her husband or child has a disability.

ADAAA Resources

- The Americans with Disabilities Act Amendments Act of 2008 <http://www.eeoc.gov/factsheets/americans-with-disabilities-act-amendments-act-2008>
- Office of Disability Employment Policy – US Department of Labor <https://www.dol.gov/agencies/eisai>
- Job Accommodation Network (JAN) Interactive Process Example <http://askjan.org/training/library.htm>

NOTE: Partner with your HR/legal team regarding questions

Possible Job Accommodation

- Communication about possible accommodations is key.
- Employers must participate in an interactive process with the employee to determine the essential functions of the job that may or may not be eligible for an accommodation.
- Work with your HR department as they will generally be able to assist with this process.



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Closing Reminders

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Strength in Serving Beyond Self

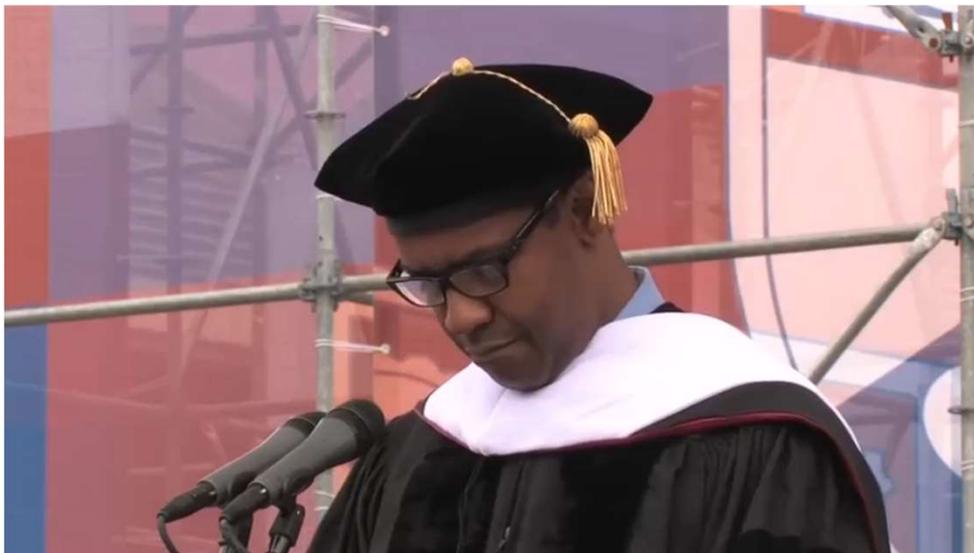
When we see/serve beyond self, we demonstrate our strength by lifting others up.



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

William James

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You are each at the heart of
your organization and are
daily impacting something
bigger than self by breathing
life into your mission, vision
and values.



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For Tomorrow

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Homework

Please complete the Enneagram Test before class tomorrow.

- Use the link below and take the **first** Enneagram Test. Please print and/or save your test results and bring them with you tomorrow. A significant portion of the discussion in class tomorrow will be centered on the different personality styles/characteristics.

<https://www.eclecticenergies.com/enneagram/test>

Be sure to print or save your results and bring them with you.

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Eclectic Energies

Menu Chakras Acupressure Exercises Enneagram I Ching Feelings

Eclectic Energies Enneagram Tests (free)

These two [Enneagram](#) tests help you determine which personality type you are. Your [wing](#) will also be indicated. Some suggestions on getting the most accurate results are [below](#).

Classical enneagram test

This test has pages with 9 questions or less (1 for each [Enneagram type](#)). You'll get less questions per page after having answered enough questions to establish which types you are not.

[Enneagram test >>](#) ←

Enneagram test with instinctual variant

With this test you get pairs of character traits to rate. It is quicker than the other test, and indicates your [instinctual subtype](#) as well.

[Enneagram test 2 >>](#)

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Eclectic Energies

Menu Chakras Acupressure Exercises Enneagram I Ching Feelings

Enneagram Test

Honestly grade each statement: "Yes" for "Yes, *this is really me!*", "Partly" for "This is partly how I am" and "No" for "This is probably not how I am". (If you don't know whether it applies, it's usually best to check "No".)

<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I love to take care of people and I'm good at it.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I want to win the approval of those in authority, sometimes even when I don't really like them.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I don't get depressed easily, if at all.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I plan the next adventure before the current one is finished.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I am too strict with myself and others.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I often refrain from acting, as I'm afraid of being overwhelmed.
<input checked="" type="radio"/> No <input type="radio"/> Partly <input type="radio"/> Yes	I tend to trust most people.

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

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