



SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

# Fundamental Supervisory Practices

## Fundamental Supervisory Practices

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# FUNDAMENTAL SUPERVISORY PRACTICES

## TABLE OF CONTENTS

### **Day One: Setting the Context**

FSP Day One Overview .....	Page 1
Learning Agility .....	Page 2
Learning Model Diagram .....	Page 3

### **Day Two: Skills Needed to be An Effective Supervisor**

FSP Day Two Overview .....	Page 4
Skills and Knowledge Needed for Supervision Ranking Form .....	Page 5
Case Scenarios .....	Page 8
Six Disciplines of Credibility .....	Page 9
What are your Guiding Principles? .....	Page 11
5 Tips for Successful Transitioning (D. Smith) .....	Page 13

### **Day Three & Four: Your True TILT and How to Use It**

### **Day Five: Navigating Legal Issues**

FSP Day Five Overview .....	Page 17
Navigating Legal Issues: What Do You Think Quiz .....	Page 18
Key EEO & Employment Information for Supervisors: Excerpts from EEOC.gov .....	Page 20
Other Employment Laws-enforced by Department of Labor .....	Page 26
Prohibited Employment Interview or Discussion Topics Chart .....	Page 28
Suggestions for Interviewing Persons with Disabilities .....	Page 30
Defensibility Tips to Reduce Risks of Discriminatory Actions .....	Page 31
Case Studies: What Would You Do? .....	Page 32
Employment-related legal questions answered by attorneys at the UNC School of Government and found in the following blog posts .....	Page 33

### **Day Six: Diversity, Inclusion, and Belonging: Managing Multiple Generations**

FSP Day Six Overview .....	Page 34
FSP Diversity Reflection Wheel and Questions .....	Page 35
Generational Characteristics Chart .....	Page 36

### **Day Seven: Effectively Communicating with Staff**

Active Listening .....	Page 37
Ladder of Inference .....	Page 38

Test Assumptions and Check Inferences .....	Page 39
Active Listening Structured Conversation Partner Practice .....	Page 42

### **Day Eight: Checking Yourself**

I-Messages: A useful tool for helping stay out of conflict .....	Page 44
The Drama Triangle .....	Page 45
The Self-fulfilling role of the Persecutor .....	Page 47
The Self-fulfilling role of the Rescuer .....	Page 48
The Self-fulfilling role of the Victim.....	Page 49
Being Helpful and Avoiding the Rescue Triangle Tips for Supervisors .....	Page 50
Staying out of the Drama Triangle .....	Page 53
Avoiding The Triangle Case Studies.....	Page 54
Performance Conversation Planning Worksheet .....	Page 55

### **Day Nine: Feedback & Coaching**

Coaching Feedback Guidelines.....	Page 56
Criteria for Deciding Whether or Not to Give Negative Feedback .....	Page 58
Coaching for Improved Performance Conversation Model .....	Page 59
Coaching Skill Practice (Everyone Reads) .....	Page 60
Coaching Skill Practice Role Player (Supervisor does not read) .....	Page 61
Observer Checklist and Feedback Format.....	Page 62



SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

# **Day One**

# **Setting the Context**



# **Fundamental Supervisory Practices**

## **Center for Public Leadership and Governance**

### **UNC-School of Government**

**This course will assist you in learning:**

- more about yourself and your management style, and how that impacts your effectiveness.
- the role, duties and skills needed to be an effective supervisor in the public sector.
- how to build your credibility and make the transition from buddy to boss
- the critical employment laws that impact the workplace and how to create a safe, professional and harassment free workplace.
- how to work effectively in a diverse environment with multi-generations, and how to create an inclusive environment where all can prosper.
- techniques and strategies to improve communication, deliver difficult performance feedback and engage in productive coaching conversations with direct reports.
- how to diagnose complex issues facing supervisors and design effective solutions.

### **Session 1**

#### **Topics covered in today's session**

- Welcome, introductions and expectations for the course.
- Examining the role of a supervisor
- Exploring what it means to be a supervisor in the public sector
- Identifying the skills needed to be a more agile learner
- Introduction to the learning model that sets the basis for the class.

# Learning Agility

Warner Burke/David Hoff

## **Critical Dimensions**

**Flexibility**-being open to new ideas and proposing new solutions.

**Speed**-Acting on ideas quickly so that those not working are discarded and other possibilities are accelerated.

## **Other Dimensions**

**Interpersonal Risk Taking**-Discussing differences with others in ways that lead to learning and change.

**Performance Risk Taking**-Seeking new activities (e.g., tasks, assignments, roles) that provide opportunities to be challenged.

**Reflecting**-Slowing down to evaluate one's own performance in order to be more effective.

**Experimenting**-Trying new opportunities for learning (e.g., approaches, ideas) to determine what is effective.

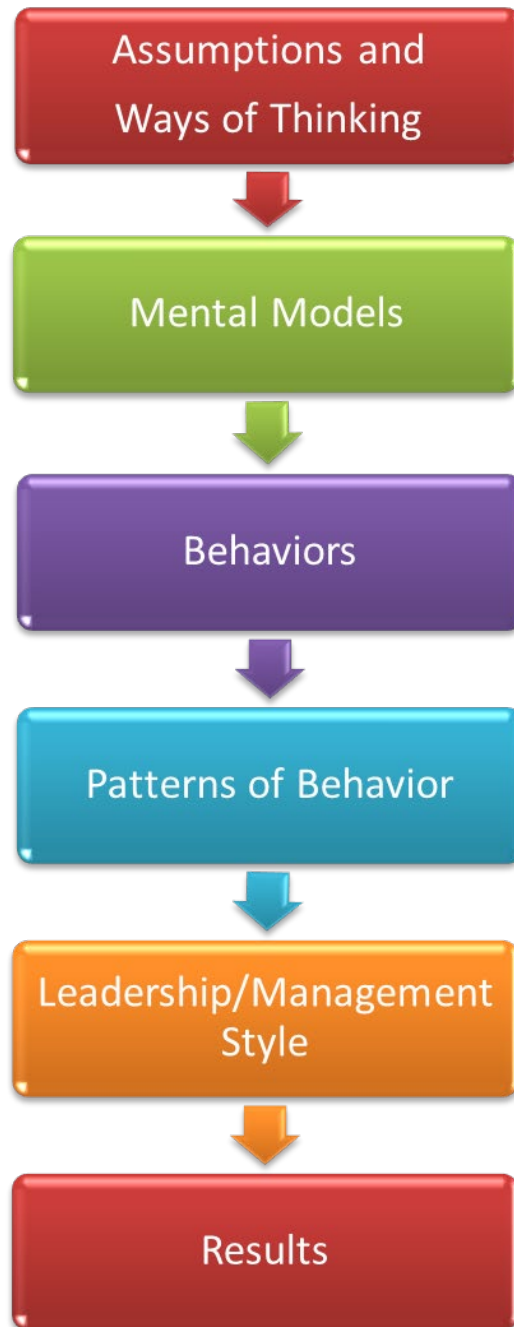
**Collaborating**-Finding ways to work with others that generate new opportunities for learning.

**Information Gathering**-Using various methods to remain current in one's area of expertise.

**Feedback-Seeking**-Asking others for feedback on one's ideas and overall performance.

# Learning Model

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SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

# **Day Two**

# **Skills Needed to Be**

# **An Effective Supervisor**

# **Fundamental Supervisory Practices**

## **Center for Public Leadership and Governance**

### **UNC-School of Government**

#### **Session 2**

##### **Topics covered in today's session:**

- Examine the skills important for effective supervision and assess your current competence with each skill.
- Examine the skills needed to establish trust and credibility as a supervisor.
- Clarify skills and attitude needed to move from buddy to boss.
- Review and discuss responses to new supervisor case studies.
- Meet your learning partner and begin reflecting on your course learnings to date.

## ***Skills and Knowledge Needed for Supervision***

Rate the following skills on a 1 to 10 scale. 1 is not skilled, 10 is highly skilled. Then, rate according to the relative importance to you now.

### **Skills**

#### ***Planning Work***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

#### ***Organizing Work***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

#### ***Setting Priorities***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

#### ***Managing Time***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

#### ***Delegating Work***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

#### ***Problem-Solving***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

***Critical Thinking***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Developing and maintaining relationships (Interpersonal Relationships)***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Openness (Be open and approachable)***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Communication (includes active listening, use of questions, providing feedback, assertiveness)***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Conflict Resolution***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Performance Coaching***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Managing Change***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

***Working with Teams***

Skill level	1-Low	5	10-High
Importance	1-Low	5	10-High
Comments:			

### ***Developing Staff***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

### ***Technical Knowledge***

#### ***HR Laws (EEOC, ADA, Harassment, Generations, etc.)***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

### ***Diversity, Belonging and Inclusion***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

### ***Ethics***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:

### ***Understanding your role***

Skill level	1-Low	5	10-High
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Importance	1-Low	5	10-High
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Comments:



## **Case Scenarios**

### **Case Study 1**

You worked for the County for 4 years as Child Support Officer. Two months ago your supervisor retired and you were promoted to the Child Support Supervisor position. You were selected for the job over Alice, a long-term employee who trained you when you arrived on the job. You have noticed that Alice hasn't really talked much to you since your promotion (and you used to share personal information about your families) and yesterday she told you she did not want to be asked to help train the new employee who has taken your place.

### **Case Study 2**

You were recently promoted to the position of Fleet Maintenance Supervisor. You were previously the Lead Mechanic who worked under a boss that was always micromanaging the work unit. When you got promoted you told others in the garage that you were going to trust them to get their work done, and that you would not be on top of them all the time like the previous supervisor (Ralph) was. A few minutes ago one of the mechanics (who is also one a friend outside of work who you like to go fishing with) sticks his head in your office door and says he plans to take leave time this afternoon because the "fish are biting and it's too nice outside to be at work." He also says "I am so glad you are in this job. Ralph probably wouldn't have let me off." You know that there is a fire truck and sanitation truck that are currently in the shop and need some significant work before they can be put back on the road. You are worried that losing a mechanic for an afternoon will delay the repair work and hurt the operations of the departments who use these vehicles.

### **Case Study 3**

Last week you were promoted to the job of Accounting Supervisor in the Finance Department after working as an Accounting Specialist in the same department. Before you were promoted you used to go out to lunch a couple times a week with two other employees in the office who you would consider your closest work friends. You have invited the others to join you for lunch in the past, but they have not accepted the invitation. You are headed out the door to lunch with your usual work group and you overhear one of the other employees say, "I know who is going to get the best merit raises this year."

### **Case Study 4**

You have a Master's degree in Planning and had worked with the City for 6 months as a Planner when your boss, the Planning Director, resigned. You applied for the position and were selected for the job. Your staff consists of a Planner, who has worked for the City for 7 years and is 10 years older than you. He did not apply for the job "because he knew you would get it" and has a tendency just to do enough to get by; a Planning Technician who is 20 years older than you and has worked for the City since graduating from community college and is very proficient in her work, and an Administrative Assistant/Receptionist (about your age) who has been working for the City for 3 years, and has a habit of leaving the front desk unattended. She's also engaged to your cousin. Tomorrow will be your first day in the Planning Director role. What will you do?

# Six Disciplines of Credibility

Kouzes and Posner

## 1. **Discovering Yourself**

*Essential ingredients for leadership: Credo, Competence and Confidence.*

- Know what you are doing and why
- Develop guiding values and follow them in making decisions.
- Seek out training and always look for ways to improve.
- Admit strengths and weaknesses.

## 2. **Appreciating Constituents (and their diversity)**

*Leadership is a dialogue, not a monologue*

- Be accessible
- Listen everywhere and listen well
- Learn your employees' stories.
  - What do they value?
  - What do they need?
  - Put yourself in their shoes and show empathy.
  - Appreciate the contributions of others. (Provide praise and recognition.)

## 3. **Affirming Shared Values**

*Honor diversity and find common ground*

- Create a culture of collaboration.
- Build a strong sense of community within the team
- Create shared values and norms

## 4. **Developing Capacity**

*Liberate the leader in others*

- Develop your staff – educate, educate, educate
- Promote training and provide resources
- Allow others to make decisions (give people more discretion) and keep them informed.
- Reward initiative
- Treat everyone as a leader of their own work.

## 5. **Serving a Purpose**

*Recognize leadership as a service*

- Be a servant leader – “Others-focused”
- Audit how you spend your time. Does your time match your values?
- Take actions based on values.
- Be the first to what has been agreed to. Set the example

## 6. Sustaining Hope

*Be a cheerleader – be there at tough times.*

- Inspire others; stay positive and upbeat
- Take pro-active steps to behave in ways that promote health and wellness.
- Show compassion, and continue to follow guiding principles.
- Be flexible to change plans if this is needed and set new goals.

## Rebuilding Credibility

“Rebuilding lost leadership credibility will require daily attention. Leaders will have to nurture their relationships with constituents. They will have to show people that they care, every day. They will have to take the time to act consciously and consistently. Their actions must speak louder than their words. Leadership after all, exists only in the eyes of constituents.”

(From *Credibility: How Leaders Gain and Lose It, Why People Demand It*, Kouzes and Posner, 2003)

## What are your Guiding Principles?

Guiding Principles are a set of values that guide your decisions and remind you how to act when managing others. In their book, *Credibility: Why Leaders Gain and Lose It, Why People Demand It*, Kouzes and Posner (2003) note that credibility is strengthened when the leader has a philosophy and acts in ways that are consistent with it. This also requires staying true to these values even in times of adversity.

Developing a set of guiding principles can help you be a more effective supervisor and serve as a framework for managing yourself. Your guiding principles can be written in any style that works for you. Two examples are provided below.

### Example 1:

I will follow through and do what I say I will do.

I will make decisions that are in the greatest interest of all, and not just for one person.

I will say “yes” to staff suggestions whenever possible.

I will celebrate accomplishments of staff.

I will approach change with optimism.

I will seek to understand the needs of others.

I will accept responsibility for mistakes.

I will encourage others to make decisions.

### Example 2

Lead by example

Be consistent in attitude and actions

Be transparent in decision-making

Help others grow and learn

Set expectations and hold others accountable

Seek feedback from others

Value diversity and foster inclusion

To develop your own guiding principles, consider using the following process.

Step 1: Think about what you would want your staff members to say about you if they were asked to describe you as a supervisor and write those thoughts below.

Step 2: Using the list above, and from considering other relevant self-knowledge, develop 4-8 Guiding Principles that reflect how you want to behave as a supervisor.

Step 3: Examine these principles on a regular basis and ensure your actions are consistent with your Guiding Principles

# 5

## Tips for Successful Transitioning

by Dale Smith, CEO



**Smith Management Training & Consulting Services operates on the premise that for individuals & teams to succeed they have to Work Hard, Love Hard & Play Hard!**

**Our mission is to help individuals & teams reach their common goals & develop strong relationships while doing it.**

**With that thought in mind, let's discuss transitioning!**

### TRANSITIONING

It looks and sounds simple! Usually people think “I am good at what I do and I have been rewarded by getting a promotion and now I have arrived”, but the promotion is only the beginning. I have witnessed time and time again that people don't understand the thought that needs to go into transitioning into another role, specifically if you are supervising people. I think that the process of applying for a job, interviewing and accepting the new job gets more of the attention sometimes than the actual start of the job. This is where I want to help you avoid some of the things that I see on a regular basis that continues to have supervisors starting behind the curve.

I will also say, THIS IS NOT ROCKET SCIENCE!

#### TIP #1

**Develop a formal introduction beginning the first day.**

This is the FIRST thing that should be accomplished when moving into a new role. This should be completed whether you are transferring into a new position in your current organization or whether you are starting at a new agency. The introduction sets the tone for the future. **A formal process really makes you think through the steps and allows you to be PURPOSEFUL in your approach.** This process also allows to establish Leadership right away and establish a consistent message. I have heard time and time again that people show up for the first day and just go to work, never meeting their team or have any opportunity to get to know them. This process will make sure that does not occur.

#### **First – Meet with Direct Reports as a Team & Set Expectations**

What works well in this scenario is to first introduce yourself, share your background and why it was important for you to become a part of this team. Then have your direct reports introduce themselves and tell a little about their background. After the introductions, follow an agenda that is purposeful. Discuss expectations – what they can expect from you and what you expect from them. This interaction should be specific but uplifting. It should include your value system as a manager and should indicate why those are important to you and the

company. Along with that you should be prepared to talk about your thoughts on the future and what you generally hope to accomplish. This should be clear and concise so that everyone there is clear on the direction when they leave. Being clear and concise is important for the start of any transition.

#### **Second – Schedule Direct Report Interviews; Make Formal & Consistent**

This also is a very important piece to establishing leadership and understanding the dynamics occurring within the agency. The key to this is consistency. An agenda should be developed to assure that each employee is addressed the same way. I typically develop a list of questions that are important to the overall business operation along with giving the employee an opportunity to share more of their background to get to know them better.

This sometimes is not done internally because the new supervisor either has been working in the same group or they have had the ability to witness work within this group. \*NOTE\* - just because you have witnessed something or have worked in a different role within a work group does not mean that you



know the full extent of the situation. It is very important that a clean slate is brought into this dynamic. A sample Agenda would include:

- Overview of experience
- Explanation of their job and their role within agency
- Goals for their division
- Positives and negatives of their position
- Explanation of day to day operations
- Knowledge of unique situations to help understand history
- Tour of worksite and/or facilities if possible
- General needs that are not being met

## TIP #2

### Talk Less, Listen More!

The mastery of this can make or break a successful transition. Employees appreciate the ability to tell their story and also express their own reality. Give them the ability to do that. A lot of new managers have a tendency to think that their employees expect the new manager to have all the answers. Quite the opposite is my experience. The employees that are in the situation believe that they have the answers but are not getting to share them. They want to share. **The best managers are those that listen, evaluate and listen some more before action is taken, specifically during a transition period.**

I have seen where the transitioning manager has arbitrarily instituted new processes that went well for them at a previous location. The thought is that it will

### Third – Schedule Expectations Meeting with Full Team

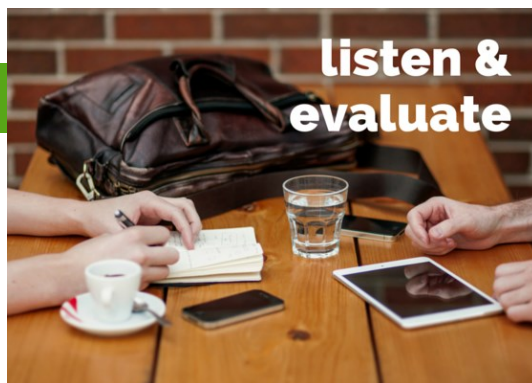
This meeting can be accomplished in a number of ways. You can meet with individual teams or with the organization as a whole. This will all depend on time and the number of employees that you have. I, suggest, however that no matter how large the organization, that you make the effort to reach everyone in the company in some fashion to introduce yourself and have them do the same. This message should be consistent with the Direct Reports' conversation.

Again, develop an agenda for this interaction to make sure you keep consistency. Potential format could look like this for this meeting:

- Overview of your background and why you took the job
- Hold an abbreviated version of the previous expectation meetings done with Direct Reports
- Provide time for formal introductions by employees
- Learn names and positions – very, very critical!

For each of these discussions always remember:

- Be Prepared
- Be Yourself
- Be Authentic
- Be Specific



work for this particular set of issues as well but they didn't fully vet the options that might exist and the process failed. This type of action with little discovery can lead to inefficiencies and discontent among employees.

To be able to stay away from that type of mistake, LISTEN and EVALUATE – you will be glad you did!



### TIP #3

#### Changes should be made slowly.

This is a potential HOLE that transitioning supervisors can make for themselves.

Transitioning supervisors must recognize that change is hard for most people but not for why most people think. Typically, people don't like change because they don't understand it and they don't understand how it might benefit them. That is why it is important to change slowly in these circumstances because it is hard to make changes without having developed a foundation of trust and communication. This does not mean, do not change, it just means do it slowly and give time for trust to develop.

Also, changes that are made should include the people that they affect.

I have read that 70% of all revolutionary change fails. It has usually been connected to the absence of a clear, thought-out process for change (Burke, 2011).



### TIP #4

#### Negative thoughts on previous administrations should not be shared.

Well, this one should be a no brainer, but I see this regularly with new managers.

Usually when this occurs there is typically a lack of awareness of how this type of communication can negatively affect the organization or a miscalculation that this type of criticism can establish their leadership. Either one can destroy trust and develop strong negative feelings from employees that worked under the previous administration. This one is easily avoidable.

Remember everyone has had a previous administration and there are people within the agency that developed relationships and are still loyal to that relationship.



## TIP #5

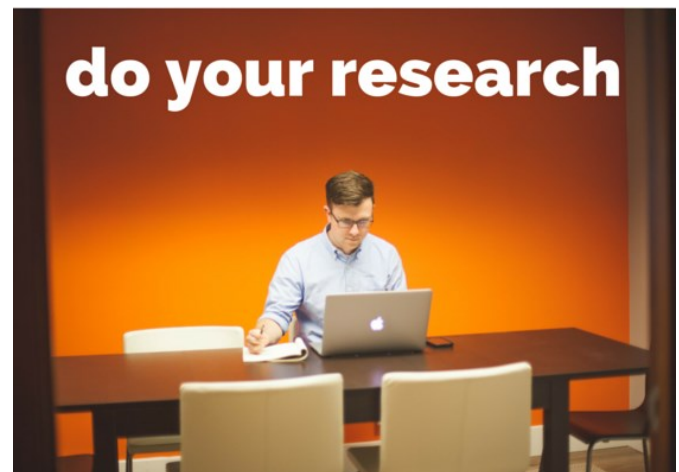
### Recognition of the differences between perception and reality.

This one is tricky. It can happen when a manager is promoted within an agency and for sure when a manager is going into a new organization.

Let's talk first about an internal promotion. All of us in the workplace make assumptions about what people's roles are and how they are performing those roles, especially if we have the ability to witness that performance on some type of consistent level. The trap that occurs internally with this type of access is that we "think we know" but truly "Do we know?" I would advise all internal transitioning supervisors to realize that the purview that you may have had may not give you the information needed to make an informed decision and that bringing that into the new scenario would be a mistake. Employees want to be treated fairly and they want a manager that has the ability to gauge their work objectively. That having been said, they need to know that you are starting out with a clean slate. This is NOT easy but good managers practice this relentlessly.

Now, let's discuss an external move. I think almost always what is perceived to be the situation is never the exact situation. So, my advice is to be prepared for that. Do your homework up front on your new agency. Talk with people that you know that may know the agency intimately, make sure you ask the right questions of management to get the best feel of the

organization and stay curious. When you apply for a job, typically in government, you look at the agency, the benefits, the salary and you do some homework on the town, city or county and determine then if you are interested in being a part of their team. Everyone's best foot is put forward during this process but be mindful that you don't know an agency truly until you are a part of it. Make sure, as best you can, that your values line up with the values of the organization. It is hard when the perception of an alliance initially appears to but actually does not.



## CONCLUSION

Finally, in conclusion, it so important that you recognize the following when transitioning into a new role:

- *First Day Impressions Should Be Planned*
- *Initial Six Months is a Critical Time Period –Move Slowly*
- *Change is Difficult for Most People because the Benefit is not Understood or Communicated*
- *Understand Your Reality*
- *Listen and Evaluate!*



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SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

**Fundamental Supervisory Practices**

# **Day Three & Four Your True TILT and How to Use It**



SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

### **Day Five**

# **Navigating Legal Issues**

# Fundamental Supervisory Practices

## Center for Public Leadership and Governance

### UNC-School of Government

#### Session 5

#### Topics covered in today's session:

- Identify the legal issues and key employment laws you have to navigate as a supervisor.
- Review EEOC protected classes and review best practices to prevent discrimination claims.
- Discuss strategies for creating a productive and safe working environment free from harassment.
- Evaluate common employment situations and determine possible response strategies and resources needed for an appropriate response.
- Begin the creation of a personal development plan to assist in the transfer of training from the classroom to the job.

***The information presented in the session “Navigating Legal Issues” and the attached materials are not intended to provide a comprehensive overview of all employment laws impacting supervisors in local government. They are meant to guide discussion on legal issues a supervisor may face. The materials were not prepared by an attorney and should not be solely relied upon in any particular situation to guide legal analysis.***

## NAVIGATING LEGAL ISSUES

### WHAT DO YOU THINK?

**Directions:** Next to each item below, circle the answer that indicates whether you think the statement is True - T or False - F.

- |   |   |     |                                                                                                                                                                                                                                                                                                                                                                                          |
|---|---|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| T | F | 1.  | It is OK to have different performance expectations for employees doing the same job since some employees can handle more work than others.                                                                                                                                                                                                                                              |
| T | F | 2.  | The laws on sexual discrimination and harassment protect men as well as women.                                                                                                                                                                                                                                                                                                           |
| T | F | 3.  | It is OK to choose not to hire someone who has a heavy foreign accent that you can barely understand.                                                                                                                                                                                                                                                                                    |
| T | F | 4.  | During a job interview, the candidate tells you she is divorced and has 2 children. Since she brought it up, then this means that I can ask her questions about her family                                                                                                                                                                                                               |
| T | F | 5.  | If an employee engages in conduct of a sexual nature in the presence of ten people, and only one person is offended, that person can complain of sexual harassment.                                                                                                                                                                                                                      |
| T | F | 6.  | An employee does not have to repeat an act of a sexual nature before it can constitute sexual harassment.                                                                                                                                                                                                                                                                                |
| T | F | 7.  | If an employee I do not supervise tells me about another coworker making sexually suggestive and inappropriate comments, but asks me not to say anything, I should keep her confidence.                                                                                                                                                                                                  |
| T | F | 8.  | An employer can be held responsible if a customer, contractor, or other nonemployee harasses an employee.                                                                                                                                                                                                                                                                                |
| T | F | 9.  | In order to sexually harass a person, you must have the intention of unreasonably interfering with that individual's performance or creating a hostile, intimidating, or offensive environment.                                                                                                                                                                                          |
| T | F | 10. | It's OK to joke around and call one of your Muslim co-workers "the terrorist" if he laughs about it and also refers to himself as "the terrorist."                                                                                                                                                                                                                                       |
| T | F | 11. | It is OK to re-assign an employee who complained of harassment to a different job to separate her from the person she is accusing of harassment.                                                                                                                                                                                                                                         |
| T | F | 12. | Denise is terribly attracted to her boss, Jeff. As a ruse to be alone with him, she asked him to join her for a drink after work on the pretense that she wants to discuss a troubling work situation. After a few drinks, Denise accepts Jeff's offer to drive her home. She insists he come in, and they end up spending the night together at her invitation. This is not harassment. |

- T F 13. You cannot discipline an employee for any reason when that employee has filed an EEO complaint.
- T F 14. An individual you are interviewing for a position comes into the interview in a wheelchair. You can ask her why she needs to use a wheelchair.
- T F 15. If an employee has been out on sick leave, I can ask that employee to submit a note from the doctor that he is cleared to return to work.
- T F 16. I must create a “light duty” assignment for a pregnant employee.
- T F 17. A staff member who has diabetes has requested moving to a private office where she can dim the lights since bright lights irritate her eyes and give her headaches. I don’t have to provide her with this office space if it will create complaints of unfairness among the rest of the staff.
- T F 18. I must provide a private space for nursing mothers in the workplace that is not the women’s restroom.
- T F 19. The Fair Labor Standards Act (FLSA) requires that you provide regular breaks to your employees.
- T F 20. If an employee voluntarily chooses to do work after normal business hours, he or she does not have to be paid for this work.
- T F 21. I can ask my employees to come to work early to get things organized for the day so they will be “ready to roll” when we officially begin work.
- T F 22. A staff member has a bumper sticker on his personal car that some of his co-workers find offensive. I can ask him to remove it to “keep the peace” among the staff.
- T F 23. One of your employees brings you a Facebook post of another one of your staff members in his work uniform with the caption “Don’t come work for the County unless you want to be abused.” You can take a disciplinary action against the staff member who made the post.

NOTE: Quiz items on this list are intended to check awareness of employment laws and provoke discussion in a training session facilitated by an HR professional who is not an attorney. Supervisors may need to consult their organization’s personnel policy or an attorney to answer specific questions applying to an individual situation.

## **Key EEO and Employment Information for Supervisors**

### **Excerpts from EEOC.gov**

#### **Prohibited Employment Policies/Practices**

Under the laws enforced by EEOC, it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The law forbids discrimination in every aspect of employment.

The law makes it illegal for an employer to make any employment decision because of a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. That means an employer may not discriminate when it comes to such things as hiring, firing, promotions, and pay. It also means an employer may not discriminate, for example, when granting breaks, approving leave, assigning work stations, or setting any other term or condition of employment - however small.

#### **Pre-Employment Inquiries (General)**

As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job; whereas, information regarding race, sex, national origin, age, and religion are irrelevant in such determinations.

Employers are explicitly prohibited from making pre-offer inquiries about disability.

Although state and federal equal opportunity laws do not clearly forbid employers from making pre-employment inquiries that relate to, or disproportionately screen out members based on race, color, sex, national origin, religion, or age, such inquiries may be used as evidence of an employer's intent to discriminate unless the questions asked can be justified by some business purpose.

Therefore, inquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided.

Similarly, employers should not ask for a photograph of an applicant. If needed for identification purposes, a photograph may be obtained after an offer of employment is made and accepted.

#### **Dress Code**

In general, an employer may establish a dress code which applies to all employees or employees within certain job categories. However, there are a few possible exceptions.

While an employer may require all workers to follow a uniform dress code even if the dress code conflicts with some workers' ethnic beliefs or practices, a dress code must not treat some employees less favorably because of their national origin. For example, a dress code that prohibits certain kinds of ethnic dress, such as traditional African or East Indian attire, but otherwise permits casual dress would treat some employees less favorably because of their national origin.

Moreover, if the dress code conflicts with an employee's religious practices and the employee requests an accommodation, the employer must modify the dress code or permit an exception to the dress code unless doing so would result in undue hardship.

Similarly, if an employee requests an accommodation to the dress code because of his disability, the employer must modify the dress code or permit an exception to the dress code, unless doing so would result in undue hardship.

## **Age Discrimination and Employment Act of 1967 (ADEA)**

<https://www.eeoc.gov/laws/guidance/fact-sheet-age-discrimination>

### **Actions Prohibited By the ADEA**

Under the ADEA, it is unlawful to discriminate against a person because of his or her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. Harassing an older worker because of age is also prohibited.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA permits employers to favor older workers based on age even when doing so adversely affects a younger worker who is 40 or older.

## **Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments Act of 2008 (ADAAA)**

<https://www.eeoc.gov/laws/guidance/ada-your-responsibilities-employer>

Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because she has a disability.

Disability discrimination also occurs when a [covered employer or other entity](#) treats an applicant or employee less favorably because she has a history of a disability (such as cancer that is controlled or in remission) 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 requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship").

The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband has a disability.

## **Harassment**

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

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 unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

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. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

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. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

## **Employer Liability for Harassment**

The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages. If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

When investigating allegations of harassment, the EEOC looks at the entire record: including the nature of the conduct, and the context in which the alleged incidents occurred. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

## **Pregnancy Discrimination Act**

<https://www.eeoc.gov/laws/guidance/fact-sheet-pregnancy-discrimination>

The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work.

## **Hiring and Working Conditions**

An employer cannot refuse to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of her job. An employer cannot refuse to hire her because of its prejudices against pregnant workers or because of the prejudices of co-workers, clients, or customers. The PDA also forbids discrimination based on pregnancy when it comes to any other aspect of employment, including pay, job assignments, promotions, layoffs, training, fringe benefits, firing, and any other term or condition of employment.

## **Pregnancy and Maternity Leave**

An employer may not single out pregnancy related conditions for medical clearance procedures that are not required of employees who are similar in their ability or inability to work. For example, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy related conditions to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy related condition and recovers, her employer may not require her to remain on leave until the baby's birth. Nor may an employer have a

rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Under the PDA, an employer that allows temporarily disabled employees to take disability leave or leave without pay must allow an employee who is temporarily disabled due to pregnancy to do the same. Employers must hold open a job for a pregnancy related absence the same length of time that jobs are held open for employees on sick or temporary disability leave.

Further, under the Family and Medical Leave Act (FMLA) of 1993, enforced by the U.S. Department of Labor, a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave (unpaid, or paid if the employee has earned or accrued it) that may be used for care of the new child. To be eligible, the employee must have worked for the employer for 12 months prior to taking the leave and the employer must have a specified number of employees. For more information please see: [www.dol.gov/whd/regs/compliance/whdfs28.htm](http://www.dol.gov/whd/regs/compliance/whdfs28.htm).

### **Pregnancy and Temporary Disability**

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee; for example, by providing light duty, modified tasks, alternative assignments, disability leave, or leave without pay.

Additionally, impairments resulting from pregnancy (for example, gestational diabetes) may be disabilities under the Americans with Disabilities Act (ADA). An employer may have to provide a reasonable accommodation for a disability related to pregnancy, absent undue hardship (significant difficulty or expense). For example, an employer may be required to provide modified duties for an employee with a 20-pound lifting restriction stemming from pregnancy related sciatica, absent undue hardship. The ADA Amendments Act of 2008 makes it much easier to show that a medical condition is a covered disability. For more information about the ADA, see [www.eeoc.gov/laws/types/disability.cfm](http://www.eeoc.gov/laws/types/disability.cfm). For information about the ADA Amendments Act, see [www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

### **Reasonable Accommodation & Religion**

The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or expense for the employer. This means an employer may have to make reasonable adjustments at work that will allow the employee to practice his or her religion, such as allowing an employee to voluntarily swap shifts with a co-worker so that he or she can attend religious services.

### **Retaliation**

<https://www.eeoc.gov/laws/guidance/questions-and-answers-enforcement-guidance-retaliation-and-related-issues>

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. For example, it is unlawful to retaliate against applicants or employees for:

- filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- communicating with a supervisor or manager about employment discrimination, including harassment
- answering questions during an employer investigation of alleged harassment
- refusing to follow orders that would result in discrimination
- resisting sexual advances, or intervening to protect others
- requesting accommodation of a disability or for a religious practice
- asking managers or co-workers about salary information to uncover potentially discriminatory wages.

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.

For example, 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;
- threaten to make, or actually make reports to authorities (such as reporting immigration status or contacting the police);
- increase scrutiny;
- spread false rumors, treat a family member negatively (for example, cancel a contract with the person's spouse); or
- 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).

## **What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws**

<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

## **Other Employment Laws – enforced by Department of Labor**

### **Fair Labor Standards Act (FLSA)**

<https://www.dol.gov/agencies/whd/flsa>

The FLSA sets rules for minimum wage, overtime pay, equal pay, recordkeeping and child labor protection. Some employees are exempt from the overtime pay provisions. Exemptions are narrowly defined under the FLSA, and generally apply only to a limited number of positions in local government.

The *Patient Protection and Affordable Care Act (PPACA)* amended the FLSA in 2010 and requires reasonable break time and a private space (not a bathroom) for nursing mothers to express milk.

### **Supervisor “Need to Know”**

- Ensure all hours worked by a “non-exempt” employee are accurately recorded. A supervisor approval or signature on a time record indicates agreement.
- Work hours include everything an employee does for work including answering emails from home, getting a vehicle ready for the shift or answering phone calls on a non-paid lunch break. An employer may not refuse to pay for actual hours worked, even if the work was not authorized. If an employee engages in unauthorized work for the organization, the work hours must be compensated. (Follow your disciplinary procedures to address the unauthorized work concern.)
- A non-exempt employee cannot “volunteer” to begin work early or work from home without compensation. This time is considered actual hours worked under the FLSA.

### **Family and Medical Leave Act (FMLA)**

<https://www.dol.gov/agencies/whd/fmla>

The FMLA provides up to 12 weeks of job-protected leave for serious health condition affecting the employee, to care for a child/spouse/parents including bonding time with a child within the first year after birth or adoption, or for military exigency.

A “*serious health condition*” covers someone who is unable to work or perform other regular activities for three consecutive days and requires continuing treatment from the health care provider. Pregnancy is covered as a serious health condition as well as chronic conditions (such as migraines or asthma) if the condition continues over an extended period of time and the employee requires periodic visits (two or more per year) to a health care provider for treatment.

### Supervisor “Need to Know”

- Recognize when an employee’s need for leave (including intermittent leave) may be covered under FMLA and provide the employee with information on how to apply for FMLA leave. Follow any FMLA procedures adopted by your organization.
- An employee cannot be treated differently due to the use of FMLA leave. (For example - denied promotion or merit increases.) The use of FMLA leave cannot be used as a basis for any employment decision or action.

### **USERRA – Uniformed Services Employment and Reemployment Rights Act**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, passed in 1994, that protects military service members and veterans from employment discrimination on the basis of their service, and allows them to regain their civilian jobs following a period of uniformed service.

USERRA is administered by the United States Department of Labor, through the [Veterans' Employment and Training Service \(VETS\)](#). VETS provides assistance to those persons experiencing service connected problems with their civilian employment and provides information about the Act to employers.

### Supervisor “Need to Know”

- Seek assistance from HR, your attorney, or VETS services if you have questions related to an employee’s use of military leave.
- Be aware that an employee’s need for regular military leave (such as weekend duty) cannot negatively influence any decision about an employee’s work assignment or work schedule. (Example – not assigning Police Officer to Investigations unit because monthly absences easier to handle in Patrol Unit.)
- You don’t have a "right of refusal" for military leave and cannot take any adverse action against the service member, or threaten to take adverse action, for leaving for service. Similarly, you may be prohibited from taking adverse action against the service member, or threatening to take adverse action, if the service member doesn’t provide notice. However, if your employee’s absence would cause a significant burden, you may contact the commander of your employee’s military unit to ask if the duty could be rescheduled or performed by another service member. If this request isn’t fulfilled, you must still provide unpaid leave so your employee can perform his or her military duty, and you can’t take any adverse action against the employee.

## Prohibited Employment Interview or Discussion Topics

<u>ITEM</u>	<u>PROHIBITED INFORMATION</u> (Cannot be used to disqualify candidates. Any discussion should be avoided.)	<u>LAWFUL INFORMATION</u> (May be used to disqualify candidates where relevant).
<b>AGE</b>	Any inquiry on age, birth certificate. Any inquiry for purpose of excluding persons over 40.	Whether candidate meets minimum age requirements. Whether candidate can meet physical requirements of job with or without reasonable accommodations.
<b>ARREST RECORD</b>	Any inquiry relating to arrest.	None
<b>CONVICTION RECORD</b>	Inquiries regarding convictions that do not relate to performing the particular job under consideration.	Inquiries about actual convictions that relate reasonably to performing a particular job. Examples: Job involving public safety or handling money <u>after contingent offer of employment</u> .
<b>CREDIT RATING</b>	Any inquiries concerning charge accounts, credit rating, etc., that do not relate to performing the particular job under consideration.	Inquiries about credit rating, charge accounts, etc., that relate reasonably to performing the particular job in questions. Example: Job involving handling money.
<b>EDUCATION</b>	Disqualification of a candidate who does not have a particular degree unless employer has proven that the specific degree is the only way to measure a candidate's ability to perform the job in question.	Inquiries regarding degrees or equivalent experience. Information regarding courses relevant to a particular job.
<b>DISABILITY</b>	General inquiries that are likely to elicit information about handicaps or a health condition that do not relate to job performance.*	You may ask if a person can do the essential functions of the described job with or without reasonable accommodation if you ask all applicants. *
<b>MARITAL AND FAMILY STATUS</b>	Child care plans or issues, unwed motherhood, contraceptive practices, spouses' preferences regarding job conditions. Inquiries indicating marital status, number of children, pregnancy. Any question directly or indirectly resulting in limitation of job opportunity in any way.	Whether candidate can meet work schedule. Whether candidate has activities, responsibilities, or commitments that may hinder meeting attendance requirements. (Should be asked of candidates of both sexes.)
<b>MILITARY RECORD</b>	Discharge status, unless it is the result of a military conviction.	Type of experience and education in service as it relates to a particular job.
<b>NAME</b>	Inquiries to determine national origin, ancestry, or prior marital status.	Whether candidate has ever worked under a different name.
<b>NATIONAL ORIGIN</b>	Lineage, ancestry descent, mother tongue, birthplace, citizenship. National origin of spouse or parents.	Whether candidate is legally eligible to work in the United States.



<b>ORGANIZATIONS</b>	Inquiries about membership to determine the race, color, religion, sex, national origin, or age of candidate.	Inquiries that should not elicit discriminatory information.
<b>RACE OR COLOR</b>	Complexion, color of skin.	None
<b>RELIGION</b>	Religious preference, affiliation, denomination.	Whether candidate can meet work schedules of job with reasonable accommodation by employer if necessary.
<b>SEX</b>	Sex of applicant, where sex is not a bona fide occupational qualification (BFOQ).	None - The City has no positions where sex is a bona fide occupational qualification.
<b>WORK EXPERIENCE</b>	Inquiries of protected class members based on generalizations about that class.	Candidate's previous job-related experience.
<b>WORKERS' COMPENSATION</b>	Any inquiries about prior worker's compensation claims*	None

NOTE:

Even if discriminatory information is volunteered by the applicant it can still result in a discrimination charge. Should this happen, even if it happens informally (i.e. during a tour) it is necessary for you to provide a disclaimer. Inform the applicant that *"While that's interesting we will not be using that information in making our selection decision."*

In the case of an applicant with a disability, you may discuss "reasonable accommodation" once the job has been fully described to the applicant. Most applicants requiring reasonable accommodations will initiate this discussion. They are almost always the best source for determining what is the most reasonable of accommodations, because they must constantly devise strategies to offset any limitations. Remember, most applicants with disabilities will need little or no accommodation to perform the essential functions of a job.



## SUGGESTIONS FOR INTERVIEWING PERSONS WITH DISABILITIES

- Ensure that the interview location is accessible.
- Focus on the ability of an applicant to perform a job - not on the disability.
- Provide the applicant with accurate and sufficient information about the job, including physical and mental requirements.
- Ask the applicant if he/she is able to perform the functions of the position as described without asking questions concerning the disability. The applicant should not be disqualified because of the inability to perform a non-essential function.
- You may ask the applicant to describe or demonstrate how he/she will perform specific job functions, as long as you ask all applicants.
- Tests must be job-related and must be administered to all applicants applying for the position. You must provide reasonable accommodation if requested for the applicant to perform the test, unless the test is intended to measure a job skill that is affected by the applicant's disability.
- Allow the applicant to observe the worksite.
- Avoid making assumptions about an individual's ability to perform the essential functions of the position simply based on your knowledge of the particular disability or your knowledge of another individual with the same or a similar disability.
- Consult a specialist in disabilities and employment before concluding that a particular disability cannot be accommodated at the worksite. Vocational Rehabilitation and the Department of Insurance employ such specialists. The Federal Job Accommodation Network <https://askjan.org/> sponsored by the President's Committee on the Employment of People with Disabilities, offers ADA-related fact sheets and materials that answer questions on how to accommodate specific disabilities.

## **Defensibility Tips to Reduce Risks of Discriminatory Actions**

(aka - Top Ten Tips for Staying out of Jail)

- 1. Have courage. Address inappropriate behavior once you observe it. Don't ignore it!**  
A supervisor has responsibility for ensuring a respectful workplace. Failure to take action on harassment complaints can lead to both personal and organizational liability through tort claims.
- 2. Set expectations for employee performance and behavior.**  
Set clear expectations about what type of behavior is expected in the workplace, and what type of behavior is not allowed. Train your employees to understand that harassment in the workplace is prohibited.
- 3. Focus on BFOQ's (Bona fide Occupational Qualifications) when making decisions.**  
Make decisions based on fact and analysis rather than assumptions and stereotypes. Be sure any pre-employment test is valid, job-related and does not cause adverse impact.
- 4. Treat all employees/applicants fairly and consistently.**  
Look at how you have handled previous situations. Think about what precedent you are setting when making decisions. Be consistent in applying discipline to similar situations. Use the same interview questions for all applicants.
- 5. Focus on organization's needs, not personal preferences.**  
When making decisions, focus on what is best for the organization. Make sure you can explain to others the rationale behind your decisions.
- 6. Follow the same procedures for promotions as for hiring.**  
Create an equal opportunity for all to apply for the promotion; use a standard set of interview questions and selection procedures.
- 7. Know and follow your personnel policy and other workplace policies.**  
If your normal practice is different than policy, change or eliminate the policy. If you make a rare exception to the policy, document the reasons for the exception.
- 8. Document your actions and decisions. Leave an audit trail.**  
Create notes of counseling sessions with employees. In any disciplinary letter, be clear about reasons for taking the disciplinary action.
- 9. Address concerns raised by employees.**  
Do not assume everyone sees the workplace as you do. Take employee complaints and concerns seriously. Listen to the employee's concerns and keep communications open. Follow your organization's procedures for reporting any complaints about harassment or unfair treatment. If applicable, make sure employees understand the grievance process.
- 10. Use available resources to assist you.**  
Consult with your supervisor, HR, city/county attorney or other appropriate resources when you are unsure of how to handle a situation. Use legal resources (such as UNC School of Government) as necessary for advice and guidance.

## Case Studies

### What Would You Do?

**Instructions: Choose a reporter in your group. For each scenario below, please describe the potential legal issues, and how you would handle each situation as the supervisor.**

1. One of your employees tells you that she is tired of hearing her co-worker John complain about immigrants. Yesterday she overheard John telling a citizen “we need to completely shut the border and stop letting those sub-humans into the country.” She says that she was embarrassed when this happened and could tell the citizen was uncomfortable. She also says that John makes some type of derogatory comment every day. She tells you that she knows Jose (another co-worker) is especially bothered by John’s behavior, but that he won’t speak up because he doesn’t want to make things worse with John.
2. You have noticed that several of your employees who hang out together often joke around about each other’s love life (or lack thereof) and make rowdy remarks about each other’s sexual escapades. It seems that everyone is enjoying the casual banter and joking among friends. The only female in the workgroup often laughs at some of the comments and makes comments about how immature they are, but she has not said this behavior bothers her.
3. Your employee Amy has been out on Family Medical Leave for the last 6 weeks following a recent surgery. Her doctor has released her to come back to work, but you are friends with Amy’s husband who told you that Amy was still very weak and not really ready to come back to work but that she had to return because they needed her income to pay the bills.
4. You think your employee Pete has been taking some of his mechanic work tools home and using them on his personal equipment because he has been talking about repairing and restoring an old truck and you saw his work tools in his personal vehicle the last 2 days. Pete is also in the Army Reserves and has to serve weekend duty once per month. For the last 3 months he has told you that he needs to report for weekend duty on Wednesday (rather than Friday) to help set up for the drill weekend. You suspect that Pete is volunteering for this extra duty and are frustrated because this leaves you short-staffed in the garage when he is gone. Today when Pete told you he needed to leave for drill on Wednesday, he also told you that his wife was having surgery next week and he would need to take off at least one week of work to help her during her recovery. This is the same week that another one of the mechanics will be on vacation.
5. Your employee Jill recently told you that she has an autoimmune disorder and when she is having flare-ups of her condition, she is not able to perform her duties as a firefighter because she tires too easily. She has asked to be assigned to light duty when these episodes occur. She wants to keep her health condition private from the employees she works with because she doesn’t want them to be afraid of working with her. She is only telling you with hopes that you can find her light duty since her accrued vacation and sick time are running low and she cannot afford to take a leave without pay.

**Employment-related legal questions answered by attorneys at the UNC School of Government and found in the following blog posts:**

<https://canons.sog.unc.edu/firing-at-will-employees-legal-limitations/>

<https://canons.sog.unc.edu/hey-job-applicant-have-you-ever-been-arrested-or-convicted/>

<https://canons.sog.unc.edu/public-employers-beware-new-rule-violate-a-policy-your-employee-may-sue-you/>

<https://canons.sog.unc.edu/secretly-putting-a-gps-tracker-on-your-employees-car-can-you-do-that/>

<https://canons.sog.unc.edu/when-an-employee-wants-to-record-a-meeting-with-a-supervisor/>

<https://canons.sog.unc.edu/employment-at-will-vs-right-to-work/>

<https://canons.sog.unc.edu/questioning-an-employee-about-possibly-criminal-conduct/>

<https://canons.sog.unc.edu/bad-employee-suggest-he-resign/>

<https://canons.sog.unc.edu/confidentiality-of-applicants-names/>

<https://canons.sog.unc.edu/do-we-have-to-advertise-this-position/>

<https://canons.sog.unc.edu/governmental-employees-and-religious-email-sign-offs/>

<https://canons.sog.unc.edu/the-first-amendment-and-facebook-rants-a-case-example/>

<https://canons.sog.unc.edu/understanding-the-limitations-of-north-carolinas-whistleblower-protection-act/>



SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

# **Day Six**

# **Diversity, Inclusion, and Belonging: Managing Multiple Generations**

# **Fundamental Supervisory Practices**

## **Center for Public Leadership and Governance**

### **UNC-School of Government**

#### **Topics covered in today's session:**

- Review many aspects of diversity and the challenges and value it brings to supervision.
- Explore the concepts of inclusion and belonging and the supervisor's responsibility in creating an inclusive environment.
- Review the challenges and benefits of working with multigenerational workforce.

# Fundamental Supervisory Practices

## Diversity Reflection



1. Think about your work team or organization. What diversity dimensions are valued on your team? Why is this?
2. Is it in your interest to develop greater diversity on your team? If so, why?
3. What specific changes can you make to foster an environment where all feel included and valued?
4. If you need to make changes, how do you pitch those changes to your boss?

Birth Years	Communication Preferences	Work Ethic and Values	Messages/Rewards that Motivate
Baby Boomers (1946-1964)	In-person Talk on the phone	“Work to Live” Crusading Causes Desire quality Personal fulfillment	You are valued. You are needed. Title Recognition/Promotions Having their expertise valued Money
Generation X (1965-1980)	Direct Immediate	Work-life balance Work well independently Want structure and direction Skeptical Self-Reliant	Do it your way. Forget the Rules Freedom is the best reward. Flexible Schedules Skills training- ability to grow
Millennials (Generation Y) (1981-1996)	Email Voicemail Text Social Media	Work-life balance Freedom and Flexibility Goal-oriented Entrepreneurial Tolerant	Continued learning opportunities. Positive work culture Immediate feedback - mentoring Meaningful work
Centennials (Generation Z) 1997- Present	Social Media Text	Security and Stability Hyper-productive Hardworking “Old souls in young bodies”	Money Social Rewards Constant Feedback Responsibility and meaningful work Value their opinions and input





SCHOOL OF GOVERNMENT

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## **Fundamental Supervisory Practices**

# **Day Seven Effectively Communicating with Staff**

## Active Listening

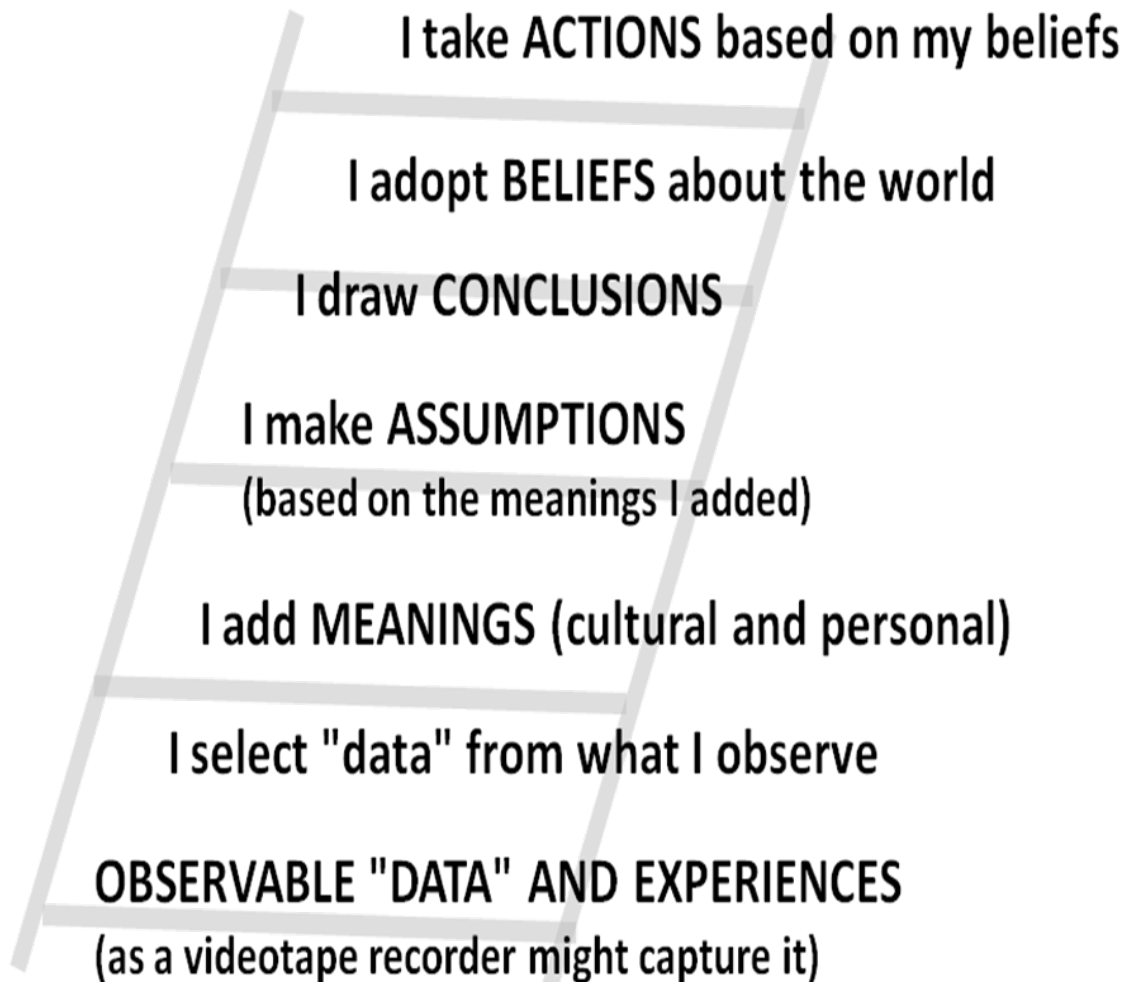
Communication between supervisors and employees can be improved through a technique called Active Listening. Many times we listen until we think of a response and then stop listening and start trying to make our own point. People sense when this happens in interactions and it creates competitive rather than collaborative environments.

<u>Ways you can active listen</u>	<u>Purpose</u>	<u>Examples</u>
1. being attentive	encourages the person to continue speaking	silence, uh-huh nods of understanding good eye contact
2. restating	paraphrasing what the person said or felt in your own words	"you felt frustrated about that because.... <u>is that right?</u> "
3. clarifying	to help you get facts lets person know you heard what he/she said	"as I understand it..." " I heard you say..." " <u>...is that correct?</u> "
Restating and clarifying are techniques to check to see if you fully understand and to let the other person know that you have heard their concern.		
4. reflecting	helps other person recognize and express feelings, reflect empathy, and to check your inferences	"I sense that you feel____" "your voice sounds--" "you looked (Emotion) when said that" " <u>Is that accurate?</u> "
Reflecting is a key skill in emotional conversations. Reflecting back the emotional tone of the message along with restating or clarifying the verbal message is one of the most powerful ways to display empathy and understanding.		
5. probing	brings up new information	I'm unclear about something, could you " <u>tell me more about-</u> "

Using probing statements such as "Tell me more about that" or "Can you share more of your thinking about that" is a way to make sure you understand the message, and to seek greater clarification and check inferences.

To fully **LISTEN**, you must cultivate a mindset of curiosity and adopt an approach of genuine inquiry. Responding without judgment is also a key skill in effective listening. By asking open-ended questions and probing questions you enable the person to share the relevant information they have regarding the situation, and to help them feel valued and understood.

## **LADDER OF INFERENCE**



## Test Assumptions and Check Inferences

### What is an Inference?

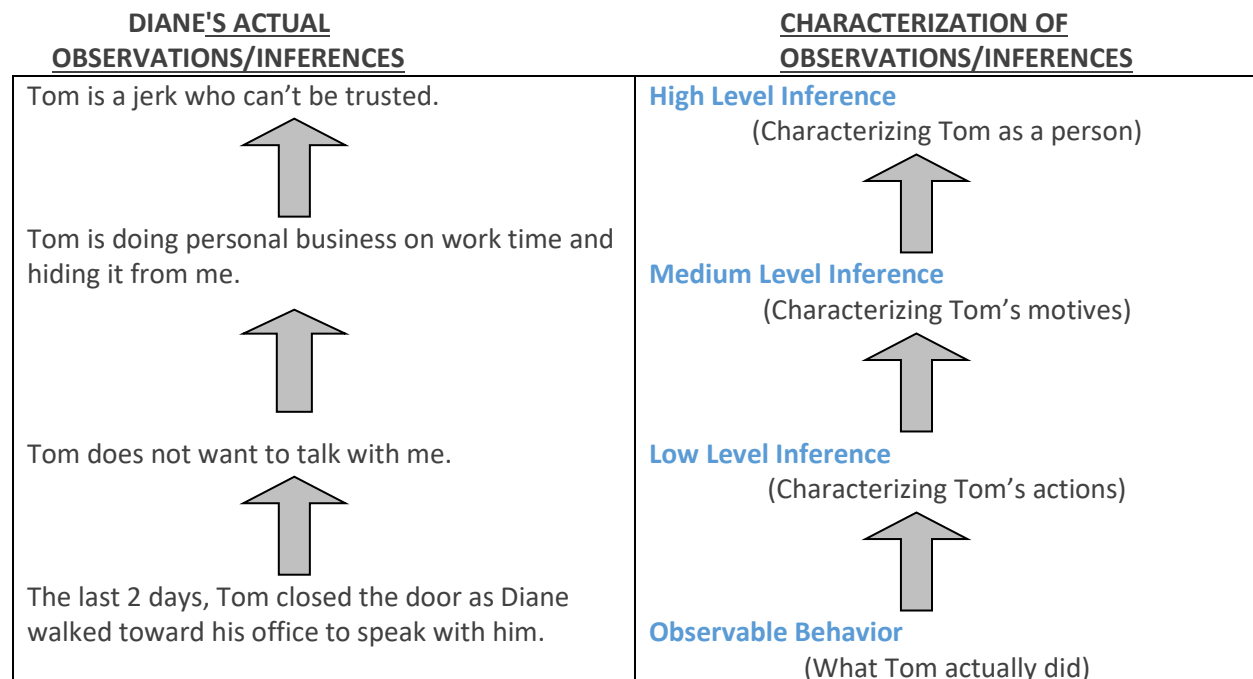
An inference is a conclusion or deduction based on something known or assumed. An inference is therefore your assumption about someone's behavior rather than a description of the behavior itself.

Inferences are the meaning we attribute to observable data; they are conclusions we reach based on known information. Sometimes inferences are helpful, particularly when they are correct. For instance, a mental health professional infers that a patient is acting abnormally and, therefore decides to take extra precautions, or to commit the individual for further examination and treatment. Other times inferences are destructive, particularly when they are wrong. For example, a supervisor assumes that she cannot discuss *any* problems with her boss, because the last time she did her boss got upset.

Accurate or inaccurate, everyone makes inferences; as human beings we make them as naturally as we breathe. Nevertheless, supervisors can learn to be effective by being aware of how they make inferences and by learning to check them out.

The following example demonstrates how we make inferences. Suppose that Diane is a supervisor of her work unit and generally all 5 of her direct reports keep their office doors open while working to enable easy conversation. Tom has shut his office door the last two mornings when Diane was walking down the hall toward his office. Diane observes the behavior - Tom shutting his door as she was coming toward his office. She then begins making negative inferences as described below.

### HOW WE MAKE INFERENCES



Notice that the negative inferences that Diane makes place her into the Drama Triangle. Therefore, if Diane fails to check out her inferences with Tom, she will act on it (or adjust her behavior based on her assumption. For example, she might avoid Tom except when she has to deal with him. She may also complain about Tom behind his back. She may begin to micromanage Tom's work and fail to share critical information with Tom that she shares with other staff.

Quite likely Tom will observe Diane's behavior toward him. **Assuming he fails to check out his inferences with her, he will probably begin to make inferences about her behavior!** As a result, he may infer that she is a poor leader and cannot be trusted. As a result, his actions reflect his negative perceptions. He begins to avoid her, criticizes her behind her back, and fails to share critical information with her.

Pretty soon, Diane finds herself in a self-fulfilling prophecy. When she saw Tom close his office door when she walked toward it when she wanted to talk with him, she assumed she could not trust Tom, and now, her assumption is being confirmed - he acts mistrustfully toward her. **As a result, she assumes her original inference was accurate!** (Note also that Tom is doing the same thing; he is climbing the ladder of inference without checking them out. If either one of them would check out their inferences, they can break the cycle of this self-fulfilling prophesy.)

## **How to Check Inferences**

The skill of checking inferences involves three steps.

**Step #1: Describe the behavior that has led you to make the inference.** This shares valid information with the other person so they can understand what behavior has led you to make the inference(s).

**Step #2: Share the inference at the lowest level.** By sharing lower level inferences (inferences about the behavior) the manager or supervisor stays out of the Persecutor role, is less likely to contribute to a defensive climate, and minimizes potential inaccuracies that can occur by jumping several levels of inferences. By sharing inferences at the highest level ("you are a jerk who cannot be trusted"), the manager will likely precipitate an angry defensive reaction.

**Step #3: Ask for the other person's perspective.** This allows you to go right to the source and validate or invalidate the inference.

### **Illustration:**

- Step #1:** Diane says, "Tom, I observed that you closed your door the last 2 days as I was walking towards your office to speak to you."
- Step #2:** When that happened, I got the feeling that you did not want to speak with me and were telling me to stay away and that concerned me because I thought we had a good working relationship.
- Step #3:** Would you share your views regarding my impressions?

Perhaps in response Tom would agree he did not want to speak with her and he may also offer a response to explain why he closed the door and what he was doing when she came by. He may say, "You are right, I closed the door because I am handling some personal issues since my mother is in hospice care and I have been very upset and do not want to talk with anyone." Obviously, such a response probably indicates Diane has made an inaccurate inference.

The term "probably" was used in the last sentence because there is no guarantee that Tom is being truthful. It is our experience that people will tend to be truthful when the skill of *Checking Inferences* is used. If Tom is not being truthful, Diane will likely observe other behaviors, such as a pattern of avoiding her at work, not being engaged in the work, criticism behind her back, or withholding information that would cause her to infer that Tom is not truthful. Once again, she can refer to those behaviors to check out her inferences further.

### ***IMPLICATIONS***

1. Inferences can be positive or negative. *In either case, they can be wrong and ineffective.* At first glance, it may seem that positive inferences avoid being ineffective, but they do not. For example, suppose that the police employee assumes that the suspect is merely reaching for a wallet, when in fact he is drawing a gun. Similarly, Diane may assume Tom is dealing with a personal issue because he has closed his door the last two days, but he is in fact using work time for personal business and does not want to let her know. Other staff members may also be observing the behavior and making the same inference Diane has made. By not checking out her positive inference, she assumes that Tom has a valid reason for closing his door when in fact he does not. Therefore, positive inferences should also be checked.
2. The skill of checking inferences highlights *how much influence we have over negative emotions.* Diane makes her own choices with respect to her inferences. If she chooses to hold on to her negative emotions toward Tom (and fail to check out her inference), she is responsible for her negative feelings - not Tom. To take responsibility for resolving her negative feelings, she should check out her inferences.

## Active Listening Structured Conversation Partner Practice

Designate one person to be the Listener, one person to be the Speaker.

The Listener starts by asking the Speaker to briefly describe their job (and may provide any type of active listening response to gain a greater understanding of the job if needed.)

After hearing about the job, the Listener will ask the Speaker the 3 questions below. Following the speaker's response to each question, the listener should provide an active listening response (*clarifying, restating, reflecting, probing*) before asking the other 2 questions.

Please briefly tell me about your job.

When are you happiest at work?

What is your greatest pet peeve at work?

When are you most productive at work?

At the conclusion of the conversation, the Listener should summarize back to the Speaker what he or she learned in the conversation by using the following formula,

"I heard you say \_\_\_\_\_ ; this makes me think \_\_\_\_\_ ; am I correct?"

Switch roles and repeat the same exercise above.

## Active Listening Skill Practice - Trios

1. Take one minute to think of a work situation that is/was challenging for you.
2. Choose who will be the Speaker, Listener and Observer for all 3 rounds, making sure that each person gets to be in each role one time.
3. The Observer sets the timer for 5 minutes.
4. The speaker starts by making a short (no more than 30 seconds) **general** statement about the challenging work situation.
5. The Listener will use active listening skills and test inferences during the discussion.
6. The observer will watch for the Listener's use of the following skills during the discussion:
  - Being attentive
  - Restating
  - Clarifying
  - Reflecting
  - Probing (asking Open-ended questions)
  - Checking assumptions and inferences
7. Continue discussion until time is up. If conversation gets to natural stopping point before time is up, change topics and have the speaker start speaking on the topic: "What worries me most about being a supervisor is \_\_\_\_\_".
8. When time is up, the Observer gives feedback to the Listener by using the feedback formula:

I thought it was effective when you \_\_\_\_\_ (describe use of observed skills) because \_\_\_\_\_ (describe observed impact.)

It might have been even more effective if you had \_\_\_\_\_ (describe where additional active listening skills may have been used) because \_\_\_\_\_ (describe potential benefit to using the skill).

Example: I thought it was effective when you asked her "and what else made you think that?" because she gave another example which made things clearer. It might have been even more effective if you had reflected back to her what she said in the beginning before jumping right into the questions because it would have reinforced to her that you heard what she said.

9. Switch roles and repeat.





SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

# **Day Eight**

# **Checking Yourself**

## I-Messages

### A useful tool for helping stay out of conflict

An “I-message” or “I-statement” allows you to take ownership for your feelings and beliefs and helps you communicate in a respectful manner that does not place blame on the other person. I-messages are particularly useful when you are upset and want to express your feelings without escalating a conflict. They are also useful in giving performance feedback and work most effectively when paired with the skills of active listening and asking open-ended questions.

#### I Statement vs. You Statement

Take for example the statement “you broke your promise.” This implies blame and may often be met with a defensive reaction. A more effective I-message such as, “I felt let down when you did not ask for my opinion because you told me last week you would ask for my input on the next project.”

I-messages are an effective tool for a supervisor to use when addressing performance or behavior that is not meeting standards. For example, “I am concerned that you have turned in your section of the monthly report late the last 3 months because it means that I am unable to complete the department’s report on time” is a more effective statement than “Your reports have been late recently.”

#### I- Message Phrasing

There are 3 types of information that should be included in the I-message when giving feedback:

1. A description of the behavior
2. The feeling (emotion) the behavior creates
3. The effect that behavior has

#### Sample phrasing:

I feel \_\_\_\_\_ (*name the feeling*) when \_\_\_\_\_ (*describe behavior*) because \_\_\_\_\_ (*describe impact*).

Example 1: “I was disappointed when I learned that you shared my personal information with Sarah because I had confided in you and asked you to keep the information to yourself.”

Example 2: “I am concerned that you have had 6 unplanned absences in the last two months. This means that other staff have to be called in to cover for you at the last minute.”

## The Drama Triangle

(based on work of Stephen B. Karpman)

### Foundations of the Drama Triangle

- People carry out roles that have become necessary to affirm how they feel about themselves and others.
- When the feelings toward self and others are based on discounts, that person must assume a consistent view to make the outcomes of his/her relationship predictable.

### The Roles in the Drama Triangle

#### Persecutor

- Criticizes others without understanding the reasons behind other's actions
- Assumes a negative intent when one is not present
- Usually gives judgmental and non-specific criticism
- Often uses sarcasm to make a point
- Examples of Persecutor Behavior:
  - A manager does not ask staff for their input because "they never have anything useful to say."
  - Personalizing criticism: i.e., using terms like "bad attitude", "unprofessional", "paranoid", "stupid"
  - Over-generalizing criticism: i.e., "you never" or "you always".

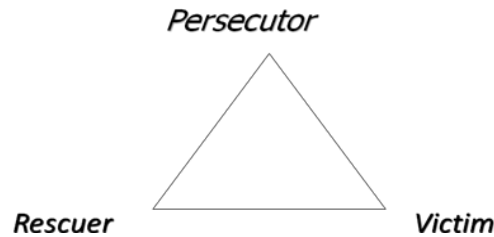
#### Victim

- Role assumed when a person discounts his/her ability and relies on someone else to "take care of them"
- Allows criticism that may not be warranted; affirms low self-esteem.
- Places responsibility for success or failure on someone else rather than solving own problems when they have ability to solve problems
- Examples of Victim Behavior:
  - Failing to confront another person whose behavior is creating problems.
  - Blindly blaming one's self when things do not work out as expected.
  - Discounting one's own ability to succeed.

#### Rescuer

- Role assumed when one discounts another's ability to handle their own problems or takes responsibility for doing for another when that person has ability to solve own problems
- Affirms own ego need to help others
- Keeps others dependent to meet own needs
- Assumes higher, righteous purpose for actions
- Examples of Rescuer Behavior:
  - Giving suggestions without inquiring about other's ideas.
  - Negotiating compromises between Persecutors and Victims.

### Implications of the Drama Triangle



- A. The Drama Triangle acts like a magnet; when one person enters the Triangle, others tend to join in dysfunctional behavior. For example, if a colleague complains about all the work she has to do (Victim behavior), we tend to agree by comparing how busy we are (Victim behavior) or giving her suggestions on how to deal with her workload.
- B. In top-down authority structures, supervisors and managers are often expected to take on dysfunctional roles: particularly Persecutor and Rescuer.
- C. People work most effectively together when they take responsibility for their own behavior and problems.
- D. Our expectations of others are usually met. Playing the Drama Triangle is self-sealing and self-fulfilling.
- E. Every Victim plays a part in his/her own victimization.
- F. Every Rescuer/Victim transaction ultimately turns into a Persecutor/Victim transaction.
- G. Playing the Triangle can have the following effects:
  - Causes miscommunication
  - Deters effective problem solving
  - Impedes commitment and performance
  - Lessens accountability
  - Creates organizational defensive routines
  - Discourages responsibility-taking
- H. You must see yourself in the Triangle in order to stay out of it! Recognize what governing values you are operating from and make the choice to step out of the Triangle.

Recognize that problems usually stem from multiple people playing roles in the Triangle.

## The Self-fulfilling role of the Persecutor

GOVERNING VALUES	BEHAVIORS/COMMUNICATION STYLE	CONSEQUENCES
<p>Others are not as competent, as trustworthy, or as motivated as I am.</p> <p>The actions of most people are driven by negative intent.</p>	<ul style="list-style-type: none"> <li>▪ Giving judgmental and non-specific criticism.</li> <li>▪ Not asking stakeholders for their input because, “They never have anything useful to contribute”.</li> <li>▪ Personalizing criticism, i.e., using terms like “bad attitude”, “unprofessional”, or “paranoid”.</li> <li>▪ Over-generalizing criticism; i.e., “You never” or or “You always”.</li> <li>▪ Warning or threatening others (often in anger) without first giving them an opportunity to discuss the problem.</li> <li>▪ Giving directives and orders in non-emergencies.</li> <li>▪ Micro-managing and usurping the chain of command.</li> <li>▪ Focusing on failures and violations rather than successes.</li> <li>▪ Setting up problem solving as “win-lose” struggles that must be won.</li> </ul>	<ul style="list-style-type: none"> <li>• Others become submissive and defensive</li> <li>• Others avoid dealing with the Persecutor</li> <li>• Others defer decisions to the Persecutor</li> <li>• Others feel demoralized, lack self esteem, and confidence</li> <li>• Limits discussable options</li> <li>• Others avoid taking responsibility for fear of being blamed and demeaned</li> </ul>

### Examples

A supervisor gives an assignment to an employee knowing that he likely does not have the skills and knowledge to do the work, and then criticizes the employee for unacceptable work.

An employee is seen by the supervisor doing something the supervisor deems as inappropriate but is not against the rules. The supervisor verbally criticizes the employee and threatens to tell the department head about the behavior.

A supervisor returns a report to a subordinate and tells her that it is unacceptable, to redo it. The subordinate redoes the report to the best of her ability and the supervisor tells her that the report is still unacceptable and that he will get someone else to do it.

A person asks his companion to give him feedback as to how well his presentation had gone at the staff meeting they just attended. The companion gave the person specific feedback about his presentation that included both positive and negative items. The person got angry and told his companion he was just jealous and if he didn't have anything good to say he could just shut up.

A wife asks her husband to do some laundry while she is out shopping. While his wife is gone, the husband washes two loads of clothes and dries one load. She returns and unloads the dryer and finds that he has put a couple of cotton things in the dryer which have shrunk. She tells her husband that he has ruined some clothes. She continues by saying that she asked him for a little help and all he did was mess things up. She says she doesn't want him touching the clothes again.

## The Self-fulfilling role of the Rescuer

GOVERNING VALUES	BEHAVIORS/COMMUNICATION STYLE	CONSEQUENCES
<p>Others cannot solve problems without my help; it is my duty to solve problems for others.</p> <p>I can make you better and happier because I can solve your problems better than you.</p> <p>“Selfless service”</p>	<ul style="list-style-type: none"> <li>▪ Solving problems for others.</li> <li>▪ Giving suggestions without inquiring about the other person’s reasoning</li> <li>▪ Negotiating compromises between Persecutors and Victims.</li> <li>▪ Giving advice without being asked for help.</li> <li>▪ Failing to delegate</li> </ul>	<ul style="list-style-type: none"> <li>• Others become dependent on the Rescuer (play the Victim role)</li> <li>• Others avoid taking responsibility, deferring instead to the Rescuer</li> <li>• The Victim blames (Persecutes) the Rescuer when the solution does not work effectively</li> <li>• The Rescuer feels resentful and unappreciated</li> </ul>

### Examples

A 12-year old child complained to his mother that the grade he received was unfair. He would not take his complaint to the teacher, so the mother goes to the teacher and complains about the grade.

A counselor arranges transportation for a client who has been late for appointments because the client "couldn't find a regular ride and there are no buses in the area".

You loan a friend \$200 to pay off a bill that is overdue. The friend has a decent job and obviously leads "the good life". You loan her the money out of your savings account and the friend promises to pay you the first chance she gets.

An employee comes to you and asks for help with a work task. You respond by saying “I’ve done this many times before, it’s easy for me to do it. I’ll help you out and do it for you.”

A teacher comes to her principal and complains that one of her students is disrupting her class and she can't deal with him. The principal, knowing this student's reputation from other classes, tells the teacher she will talk to the student again, set some limits, and suspend him if he doesn't turn it around.

## The Self-fulfilling role of the Victim

GOVERNING VALUES	ACTION STRATEGIES	CONSEQUENCES
<p>Others are responsible for my situation.</p> <p>Due to factors such as risk, lack of authority, or inability, I cannot solve problems.</p>	<ul style="list-style-type: none"> <li>▪ Failing to confront another person whose behavior is creating problems.</li> <li>▪ Blindly blaming one's self when things do not work out as expected.</li> <li>▪ Blaming others for one's own failures.</li> <li>▪ Not trying to accomplish things on the assumption that the effort will result in failure.</li> <li>▪ Abdicating responsibility, for example, telling a staff member to "handle a problem" without discussing how he or she proposes to deal with the problem.</li> <li>▪ Acting helpless, for example, whining or complaining about "what they are doing to me" or responds to suggestions by saying "Yes, but..."</li> </ul>	<ul style="list-style-type: none"> <li>• Others observe that you act incompetent and inadequate</li> <li>• You avoid risks</li> <li>• Others observe that you defer to them rather than taking responsibility</li> <li>• Others observe that you refuse to take responsibility or that you hold yourself totally responsible when others share in that responsibility</li> </ul>

### Examples

You find yourself overwhelmed with work and take on an important new task assigned you by your supervisor even though you know you will have to work evenings and weekends to finish it.

A man has been married just a short time and finds himself deeply in debt because he and his new wife took a long, expensive honeymoon which his wife wanted. Then he rented an apartment that requires him to pay considerably more rent than he can afford because she says she would not be comfortable in anything less.

An employee comes to you complaining of the fact that he has a lot of distractions at home and cannot do all the work assigned to him. You agree to do the work until his home life straightens out.

Your supervisor hands you a report that you had turned in previously and tells you it is badly written and needs to be improved. You accept the report without knowing what is wrong with it.

You go to your fellow worker and share with him a personal problem which could destroy your marriage. He gives you advice to keep your mouth shut about things and let the situation blow over. You follow his advice even though you are not confident that it is the best thing to do. Four days later you come home from work and your spouse has left a note telling you she wants a divorce, and she has gone to Florida with a friend (and much of your money).

## BEING HELPFUL and AVOIDING THE RESCUE TRIANGLE TIPS FOR SUPERVISORS

Being helpful is the process of influencing others in a fashion that leads them to use their own ability, skill, or knowledge to solve their problems. Help also may be defined as providing an individual with needed resources when the individual is unable to achieve these needed resources because of insurmountable limitations.

The fundamental principle in helping is making it possible for the person in need, whether he or she be client, friend, child, student, employee, co-worker or patient, to achieve what is necessary to solve their problem in a way that does not diminish them. For those in the role of providing help, the following conditions seem consistent with avoiding the roles described by the Rescue Triangle:

1. The supervisor must be confident in his or her ability and aware of his or her areas of sensitivity. Being in a helping position to enhance one's self esteem or sense of worth makes a person vulnerable to the rescuer, persecutor, or victim role. Effective helpers feel competent in their skills and are motivated to foster competence in others.
2. Expect the best from your employees. This does not mean that you must have unrealistic expectations about how well things are going to go, but it does mean that you expect your employees to have the ability, *should they choose*, to deal with their own problems. Research studies have proven that the self-fulfilling prophecy is true--we often get what we expect, good or bad.
3. The supervisor must be congruent. There must be consistency in what one says and does. This means that the supervisor must act in accordance with his or her espoused beliefs, values and principles. Being congruent is essential if you are to be credible and develop authentic, non-role relationships.
4. Clarification of consequences and imposition of consequences when the employee's behavior warrants it are essential to reinforce the belief that the employee must be responsible for his or her behavior. The consequences should be known beforehand and be reasonable for the situation.
5. Accept no excuses for failure; rather, focus on evaluating what happened and explore with the employee what could have been done differently to be successful. Accepting excuses for failure, no matter how well articulated or persuasive the excuse may be, discounts the employee's ability to act more responsibly.
6. Do not do things you feel pressured to do for employees that they can do for themselves. (For example, you do something for the employee because you feel if you don't take action the employee will fail.) Ask yourself if you have done all you can to enable the employee to take appropriate action.



7. When an employee fails to carry out their responsibilities you should confront the failure without feeling they have let you down. Only the employee is responsible for the actual behavior and is the victim of their own doing. You should not contribute to the victim role by angry recriminations (Persecution) or feeling sorry for the employee.
8. Support any effort on the employee's part to be more responsible and effective. Appreciate the difficulty of change and the scary feelings often associated with change. For some, simple achievements such as taking full responsibility for a task or project represent a major effort to overcome self-doubt.
9. Verbally and emotionally support any effort on the employee's part to take responsible action if the employee has the necessary skill, knowledge, and understanding to take the action in the first place.

**Given the suggestions above, the following actions are considered helpful if done in the proper context:**

1. Sharing relevant information.
2. Helping employee develop alternative actions to solve a problem.
3. Helping employee explore the consequences of possible actions.
4. Supporting responsible employee choices even though the choices might not be choices you would make.
5. Open sharing of thoughts and feelings regarding the employee. This includes giving the employee honest feedback regarding his or her behavior.
6. Giving the employee encouragement and support to try new behaviors.
7. Modeling responsible behavior, positive expectations, and honesty.

**Actions that diminish strength of employees:**

1. Doing things for the employees they can do for themselves.
2. Doing things for the employee because the employee does not know how to do something. Instead, train the employee or provide other resources to help the employee learn how to do it by themselves.
3. Being critical of a person's failure rather than helping him or her analyze the failure and identify ways he or she can be more successful the next time.

4. Giving advice or telling the employee what to do (as opposed to sharing information and helping the employee to define alternative courses of action).
5. Giving employee instructions to do something he or she does not have the skills, experience, or knowledge to accomplish or failing to help the employee evaluate his or her preparedness to take an action or complete a task.
6. Providing employees information, they should have acquired themselves because it is easier to do it that way.

## Staying out of the Drama Triangle

**Directions:** *Identify the Drama Triangle role the speaker is taking for each statement below.*

**Write out exactly what you would say** in response to the statement in order to stay out of the Drama Triangle.

1. Your subordinate says to you, "I am so tired of writing reports; that's all I ever do. What a bore this job is!"
2. Your employee tells you "you sure have an old -fashioned way of dealing with people and I think it puts people down!"
3. At one time your employee had been very dependable and hard working. Recently, his performance has been unsatisfactory. You set up a meeting to discuss his performance. He begins the meeting by saying, "these new employees working for me are a real pain. They don't know what they are doing. I know I could do a better job if we could just hire better employees."
4. At lunch, your employee says to you, "I just can't make ends meet in this job anymore. I just don't get paid enough in this job and think the workload is unrealistic."
5. Your subordinate, Ann, supervises Fred. Ann says, "Next week I will be conducting Fred's performance review. He has been here for three years and his performance has only gotten worse. He misses more and more work. What should I tell him?"
6. A citizen calls you to complain about one of your employees. The citizen says "I talked to Fred and he was extremely short and rude with me. He said that you are his boss but that you would give me the same non- answer Fred did! I am a taxpayer and deserve an answer!"

## AVOIDING THE TRIANGLE CASE STUDIES

*Read the following situations and develop a response that avoids the roles of the triangle. Explain what you will do and **write out exactly what you will say** to begin addressing the issue.*

1. Glenda Grimes is a 56 year old employee who has always done acceptable work and is very reliable. She is a nervous person who is often tentative in relating to people. She has mostly worked by herself, but now has a new coworker. One day she approaches you and says that she is having a very difficult time getting along with the new girl in the office who is young, outgoing and pretty. Glenda says that the girl talks a lot and disturbs her concentration and often asks Glenda questions about her life which bothers her a great deal. She wants you to have a talk with the new girl and tell her not to ask such personal questions and talk less while she works.
2. Your administrative specialist had been complaining that she had too much work to do. Despite her complaints her work was uniformly of high quality. Consequently, you have made every effort to hold back work assignments and take on extra work yourself to ease her problem. During the last two weeks you have noticed that she now leaves on time every day, takes her full breaks and spends a considerable amount of time talking to people who come into the office and to people who call her on the phone. Now she no longer complains about the amount of work she has to do, continues to do very high quality work and takes initiative in handling office problems often anticipating the need to do something that you failed to do or had forgotten to do. You often leave work late in order to complete everything that needs to get done.
3. Jennifer Gilder is a new employee who came to your department with excellent credentials. She has two years' experience in her work and has a good educational background. Each time you give her an assignment, she asks questions about how to do the simple things that you believe she should know how to do. When she is working she asks that you check her work at frequent intervals so that she doesn't make a mistake. You hear from a few colleagues that she was an abused child and it is very likely that she lives with an abusive husband. She appears to feel inadequate and is very reluctant to say anything. She will do anything you ask her to do and normally she does a good job.

## Performance Conversation Planning Worksheet

**My goals for this performance conversation are:**

### **Possible “triggers” to suck me into the Drama Triangle:**

*(Knowing this in advance can help you remember to take a pause, and breathe, before responding.)*

### **“IDEAL Performance Conversation Steps”**

<p><b>1. Identify what happened to cause the meeting and check for agreement.</b></p> <ul style="list-style-type: none"> <li>Write out your opening statement to specifically describe the behavior that caused the conversation.</li> </ul>
<p><b>2. Describe the impact of the problem and listen to the employee’s perspective.</b></p> <ul style="list-style-type: none"> <li>Write out an “I message” to explain how the behavior affects productivity, customer service, work group relationships, etc. and describe the performance standard that is not being met.</li> <li>What active listening skills will you use to respond to the employee?</li> </ul>
<p><b>3. Explore possible solutions to the problem and listen to employee concerns and ideas.</b></p>
<p><b>4. Agree on a plan of action to improve performance including a time to follow-up.</b></p>
<p><b>5. Learn from the Performance Discussion</b></p>



SCHOOL OF GOVERNMENT

Center for Public Leadership and Governance

## **Fundamental Supervisory Practices**

# **Day Nine**

# **Feedback & Coaching**

## COACHING FEEDBACK GUIDELINES

A number of guidelines can help make the giving and receiving of feedback effective. Feedback is usually more successful when these guidelines are followed. However, these are guidelines, not rules. There may be exceptions to each one. Don't think of these guidelines as the only way to do it. Think of whether the "usual" guidelines apply in each individual case.

In order for feedback to be effective, the feedback must meet three criteria.

1. The employee must understand what the supervisor is telling him or her.
2. The employee must be willing and able to accept what is being said.
3. The employee must be able to do something about the feedback if he or she chooses.

Following are some guidelines the supervisor can use to help make his or her feedback to the employee more effective:

1. Readiness of the receiver: Give the feedback when there are indications the receiver is ready for the feedback. One way to be sure the receiver is ready is to ask.
2. Focus feedback on behavior rather than the person. It is important that the supervisor discuss what the employee *does* rather than comment on what the employee *is*. For example, the supervisor would say, "the employee talked for 45 minutes in the meeting," rather than saying "the employee is a loud mouth."
3. Focus feedback on observations rather than opinions. Observations refer to what the supervisor can see or hear in the behavior of the employee while opinions refer to interpretations and conclusions made from what is seen or heard. This is the same as saying focus on observable behavior rather than assumptions or inferences about that behavior. In a sense, opinions or conclusions about an employee contaminate the supervisor's observations, thus clouding the feedback. When the supervisor offers his or her opinion, and it may be valuable to do this sometimes, it is important that it be identified as opinion, and check for agreement or disagreement from the employee.
4. Focus feedback on description rather than judgment. The effort to describe represents a process of reporting what occurred while judgment refers to an evaluation in terms of good or bad, right or wrong, nice or not nice. Judgment arises out of a frame of reference or value system whereas descriptions represent neutral reporting. When the supervisor finds it necessary to give feedback based on judgment, he or she should be careful to use the organization's value system and not his or her own personal value system.
5. Focus feedback on very specific behavior and a specific situation. Rather than "you tend to procrastinate too much: a statement that is specific is more meaningful and effective. An example of specific is, "I was late turning in my monthly report because I did not receive the monthly contact data from you until after lunch." Give examples of behavior to support the feedback.

6. Focus feedback on the value it may have to the employee and/or organization, not the value of “release” it provides to the supervisor giving the feedback. The feedback provided should serve the needs of the employee getting the feedback rather than the needs of the supervisor to “punish” the employee. Feedback should be given and heard as a way of being helpful, not demeaning.
7. Focus feedback on the amount of information that can be helpful at any given time. Do not overpower the employee with too much information at any one time.
8. Focus feedback on the appropriate time. The closer the feedback is given to the time the event took place, the better. When feedback is not given immediately, the receiver is not able to be clear on exactly what is meant. The feelings associated with the event still exist so that this, too, can be part of understanding what the feedback means. Excellent feedback presented at an inappropriate time may do more harm than good.
9. Feedback is not a demand for change. Each employee makes his or her own decisions and feedback that is presented in a clear and objective manner is most helpful. The feedback should identify the behavior and identify any negative consequences of the behavior, recognizing that the employee may choose the negative consequences over changing the behavior. It is important to always recognize that the choice on making a change in behavior rests with the employee. The supervisor cannot force change.
10. Make sure feedback is given in a two-way conversation where the supervisor inquires with the employee on his or her understanding of the feedback, his/her reactions to the feedback, etc.
11. Focus feedback on how it impacts the organization/job/coworkers/ customer, not on the supervisor’s demands or needs. “The organization needs you to ...” not “I need you to...”



## **Criteria for Deciding Whether or Not to Give Negative Feedback**

1. How important is the problem to the organization?
2. How long has the problem existed (has it been confronted previously)? Is the problem having an impact on the work environment; on your relationship to the person; on the person's relationship to others?
3. What will happen if the problem is not solved?
4. What is the likelihood that the problem will go away on its own?

## **Preparing to Give Feedback**

Once you have decided to give the feedback and have a clear intent to make this a helpful interaction, the following actions may be helpful:

1. Frame your statement using the guidelines for giving feedback.
2. Choose an appropriate time and a location conducive to quiet uninterrupted talk.
3. Let the person know why you felt it was important to share the feedback and your concerns about what might have happened if you did not give the feedback.
4. In feedback situations where there are direct consequences for continuing the behavior that is the focus of the feedback, the giver of feedback needs to make clear what the consequences will be should the receiver's behavior not change. In this instance, the receiver can choose to make a change, can explore other options, or can choose to accept the consequences of not making the behavioral change. It is especially important in this instance to insure balanced two-way discussion so that each party fully understands the interests and issues of the other party.

## Coaching for Improved Performance Conversation Model

### Pre-Discussion Steps:

1. Gain agreement to discuss the issue and set a meeting time.
2. Prepare for the discussion:
  - Review previous coaching sessions (if any) and identify specific points for discussion.
  - Write down specific words or phrases you will use to open the meeting and to describe the issue in a way that shows consideration and mutual respect.

### **“IDEAL Performance Conversation Steps”**

<b>1. Identify what happened to cause the meeting and check for agreement.</b> <ul style="list-style-type: none"> <li>• Describe the specific behavior/actions that have caused the problem.</li> <li>• Check out inferences to gain agreement on the problem.</li> </ul>
<b>2. Describe the impact of the problem and listen to the employee’s perspective.</b> <ul style="list-style-type: none"> <li>• Use “I messages” to explain how the behavior affects productivity, customer service, work group relationships, etc. Describe the performance standard that is not being met.</li> <li>• Use active listening skills and ask open-ended questions to gain understanding from the employee’s perspective.</li> </ul>
<b>3. Explore possible solutions to the problem and listen to employee concerns and ideas.</b> <ul style="list-style-type: none"> <li>• Ask the employee for his or her ideas for correcting the problem.</li> <li>• LISTEN to all ideas without judgment (Ask questions to clarify ideas if needed.)</li> <li>• Offer your suggestions only after the employee has exhausted all of his/her ideas.</li> </ul>
<b>4. Agree on a plan of action to improve performance including a time to follow-up.</b> <ul style="list-style-type: none"> <li>• Review what acceptable performance looks like and evaluate possible solutions based on what will be most effective.</li> <li>• Agree on a solution including specific milestones for improvement and use the employee’s ideas whenever possible.</li> <li>• Tell the employee in a non-threatening manner the possible consequences for failing to fix the problem.</li> <li>• Set a date and time for a follow-up meeting to review the effectiveness of the solution.</li> <li>• Document the decisions made in the meeting and provide employee with appropriate documentation of the meeting. <i>(This may be a simple email summary of the meeting and actions agreed to. If a formal written warning or disciplinary action is required, follow your organization’s policies on documentation requirements.)</i></li> </ul>
<b>5. Learn from the Performance Discussion</b> <ul style="list-style-type: none"> <li>• At the conclusion of the meeting, ask for specific ideas of how you can help support the employee to be successful and express your confidence in the employee.</li> <li>• Following the meeting, reflect on what went well, and what you might do differently in a future discussion.</li> </ul>

## Coaching Skill Practice

### (Everyone May Read)

1. Janice is a Payroll Technician and you supervise her. She basically enters time sheets, prepares payroll reports, prepares insurance bills, and writes checks for payroll vendors such as credit union, garnishments, retirement, etc. Janice has been late three Mondays in a row and called in sick the other two. She has been employed for two years and her performance is acceptable but not a lot more. In her first six months, she went through a separation and then later a divorce. She needed time off during this time for legal appointments and to work out child care issues. You extended her probationary period by three months, and during this time her attendance was fine and her performance acceptable. You are concerned that her attendance is deteriorating again. You have scheduled a time to talk with her.
2. Jim is a Street Maintenance Worker. He does a good job on everything except getting along with coworkers. There have been two incidents in the last two weeks where he got in an argument with crew members. In one case, Bill accidentally backed into him and he lit into him, cussing and telling him he needed to go to kindergarten to learn how to drive. On another occasion, he jerked the rake out of Sam's hand to show him how to rake the asphalt better. Sam has been on the job only two months and you can tell he has been avoiding Jim ever since. Jim's actions have led to tension in the crew and people giving him wide berth. The sense of energy and joking that normally goes on among crew members has been muted. The crew is normally very productive even though they have fun at the same time. You need to get things back on an even keel and are planning to talk to Jim.
3. You are going to be talking to a Fire Engineer named Allen who has worked for the Town for four years. For the most part, he does a good job. However, you have received complaints from several employees regarding his sloppy housekeeping. He doesn't clean up behind himself when he cooks or works on equipment and does an absolute minimum on the station cleaning required for everyone. Every now and then he makes snide remarks about having to do station cleaning, but you personally went over this requirement with him when he was hired and he knew it went with the territory. You want him to start pulling his share of the station maintenance activities and don't want to hear any more complaints from others about him leaving messes.

## Coaching Skill Practice Role Player

### (Supervisor does not read)

1. You are Janice and work as Payroll Technician. You have been employed for two years. In your first six months you went through a divorce and needed a lot of time away from work. Your supervisor worked with you and let you work longer on probation to prove that you could be a good employee. You appreciate this flexibility on your supervisor's part. The job is OK, but not really motivating or exciting. You basically enter time sheets, prepare payroll reports, prepare insurance bills, and write checks for payroll vendors such as credit union, garnishments, retirement, etc. And your two kids run you ragged on the weekends, making it really hard to get up on Mondays and go to work. You know you need this job, but it is becoming a real drag. You need something to get you more involved in the organization and with people, like helping employees when they have insurance claims problems, or setting up a new employee orientation program for new employees. These are programs that the Town could use, but no one has asked you to do them. Your supervisor is meeting with you today, and you suspect he/she is not happy with your attendance lately.
2. You are Jim and have worked as a Street Maintenance Worker for the Town for three years. You like your job, but get impatient with the inefficiency and clowning around that goes on. You take your job seriously and don't like to see people wasting time or messing up. The supervisor expects things to be done right, but does not seem to take the crew in hand and lets them get away with horse play and a lax work pace. Your impatience sometimes gets the best of you and you lose your cool. So far it hasn't created any problems, and may have actually helped keep people serious and focused on their work. Your supervisor wants to talk to you today, but you don't know what it is about.
3. You are a Fire Engineer named Allen and have worked for the Town for four years. You love the job and have always wanted to work in the fire service. You love the excitement of not knowing what to expect when the alarm goes off and the team work that allows the staff to work together like a well-oiled machine in emergencies and in training exercises. What you really hate is the custodial work you have to do. Fire Engineers are professionals. Other Town employees don't have to clean bathrooms, floors, etc. Why should you have to do it. It really gets under your skin. You know sometimes you don't really pull your weight on this, but you try to make up for it with cooking (which you love), working on the equipment, and other tasks. On a couple of occasions, coworkers have made a snide comment to you, but for the most part, they don't seem to mind the housework and you have a better use for your time.

## Observer Checklist and Feedback Format

**Directions:** The purpose of the skill practice is to practice using the skills learned in class and receive feedback. The observer should take notes during the role play and use this checklist to watch for the use of these behaviors:

\_\_\_\_\_ Used an “I message” to explain performance concerns.

- Specifically described behavior causing a problem
- Explained impact behavior was having on others/organization

\_\_\_\_\_ Used active listening skills such as being attentive, re-stating, clarifying, reflecting

\_\_\_\_\_ Asked open-ended questions and probed for additional information

\_\_\_\_\_ Asked for employee’s ideas before suggesting solution

\_\_\_\_\_ Agreed on a plan (date/time) to follow-up

### Observer Feedback Structure:

Following the role play, the observer and/or employee role player should provide feedback to the supervisor using the following feedback format. This structured feedback format also allows the observer to practice providing feedback.

I thought it was effective when you \_\_\_\_\_ (describe observed behavior) because \_\_\_\_\_ (describe reason/impact).

It might have been even more effective if you had \_\_\_\_\_ (specific action or skill you are suggesting) because \_\_\_\_\_ (reason/impact).

**Feedback Example:** I thought it was effective when you asked the employee “Is there anything else you can think of that is important in this situation” because it gave the employee space to bring up some additional information about the possible cause of the problem.

I think it might have been more effective if you had let the employee choose the solution, rather than telling him what he needed to do because it might have given him greater ownership in the solution.