

# LRSA LEADERSHIP TRAINING

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October 10<sup>th</sup>, 2019

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## Agenda

- Welcome/Introductions
- Today's Schedule
  - 11:30-12:30 Hosted Lunch
  - 12:30-1:30 Panel: The Transition from Peer to Supervisor
  - 1:30-3:00 FRISK Overview (Performance Feedback Model)
  - 3:00-4:00 Managing Time Effectively: Work-Life Balance & Priority Setting

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## Panel: The Transition from Peer to Supervisor



Debbie Kassis, Kevin Flash, Kim Goff, Nicole Keller, Andy Divanyan

## Progressive Discipline: The FRISK Method



Jacob Knapp, AVC of Human Resources

## Overview

- Purpose of Progressive Discipline
- Applicable Laws, Policies, Regulations
- Applicable Contract Language
- FRISK Overview – How to Document Below-Standard Employee Performance
- Examples
- Questions

## Purpose of Progressive Discipline

- **Primary Goal: Improve and correct performance.**
  - Guide and evaluate employees, establish and verify performance expectations, motivate and foster improvement
- LRCFT Contract, Article 27: Just Cause and Formal Complaints
  - The purpose of this article is to provide additional guidance and oversight for a faculty member experiencing difficulties in his/her work and to substantiate efforts at improvement.

## Purpose of Progressive Discipline

- If improvement is not attained, the documentation becomes an important source of evidence to support further disciplinary action, if needed.
- Progressive in nature – usually starts at the lowest level. However, more severe levels of discipline may be warranted based on the severity of incident(s) and/or behavior(s).

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## Applicable Laws – Employee Discipline

- **Education Code Section 87667:** A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Section 87732.
- **Section 87732:** No regular employee or academic employee shall be dismissed except for one or more of the following causes:
  - Immoral or unprofessional conduct
  - Dishonesty
  - Unsatisfactory performance
  - Evident unfitness for service
  - Physical or mental condition that makes him or her unfit to instruct or associate with students



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## Applicable Laws – Employee Discipline

- **Section 87732** (continued):
  - Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.
  - Conviction of a felony or of any crime involving moral turpitude.
  - Conduct specified in Section 1028 of the Government Code. (advocate overthrow govt/communism)



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## Typical Steps in Progressive Discipline

- Oral Counseling
  - Discuss and identify problems or deficiencies, review expectations, job description, regulations, standards. How can we get there? Options to meet expectations going forward. Document (email or memo to file).
- Written Counseling Memo/Letter
- Letter of Reprimand
- Letter of Suspension
- Termination/Dismissal



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## Progressive Discipline – Policies, Regulations, and Contract Language

- Board Policies/Regs on Faculty Discipline – None
- 27.1.2.1 – Just Cause: Steps in the discipline process include (exceptions to the due process steps may occur when the nature of the conduct warrants an exception):
- Step 1: "...the manager shall discuss with the faculty member his/her actions/omissions for further fact finding prior to issuing an oral reprimand."
- Step 2: If an oral reprimand does not result in corrected conduct, a counseling letter may be issued
- Step 3: "subsequent discipline" after notice/opportunity to be heard
- Step 4: For a suspension without pay, the offense shall be severe or preceded by at least two written reprimands within the last two years...

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## Progressive Discipline – Policies, Regulations, and Contract Language

- **LRCEA 17.2 – Employee Discipline:** Disciplinary action involving an employee will not be imposed except as expressly allowed pursuant to Board Policy and Administration Regulation and any action taken shall conform thereto.
- **SEIU 6.8** – The parties recognize that disciplinary actions shall be progressive in nature if they are to correct the conduct of a unit member. The District agrees to follow a course of progressive discipline. It is understood, however, that progressive discipline does not follow any specific sequence of disciplinary actions and that major offenses will be cause for severe disciplinary actions.
- **LRSA 5.6** – Employee Discipline: references progressive discipline processes in board policies and regulations (6000 series)

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## Progressive Discipline – Policies, Regulations, and Contract Language

- **Board Policies/ Regulations – 6900 series**
- **6910** – Employees may be suspended, dismissed, or otherwise disciplined for **just cause** (provides list of just causes in addition to those identified in the Ed Code).
- **6913** – Supervisors should attempt to resolve problems informally through counseling meetings before issuing either a Counseling Memo or Letter of Reprimand. However, serious violations may lead to severe discipline without prior counseling.

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## Progressive Discipline – Policies, Regulations, and Contract Language

- **6914– Severe Disciplinary Action:** The Chancellor may impose severe discipline on an employee whenever the Chancellor determines that the employee:
  - 1) has violated Board Policy or other applicable regulations or laws and has not modified the behavior after having been apprized of the violation and given an opportunity to correct the inappropriate conduct; or
  - 2) whenever the employee has committed an act which is so severe as to warrant immediate action.

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## “FRISK” FRAMEWORK



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## “FRISK” - Documentation

- **Facts:** What did the employee do or not do?
- **Rule:** What should the employee have done or not done?
- **Impact:** How did the employee's conduct adversely impact the workplace?
- **Suggestions/Directions:** What must the employee do to improve his/her performance?
- **Knowledge:** Was the employee informed of his/her personnel file rights?

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## “FRISK” Mindset

<b>NEGATIVE MINDSET</b>	<b>POSITIVE MINDSET</b>
AVOIDANCE	EARLY WARNING
PROCRASTINATION	CONSTRUCTIVE OPPORTUNITY TO IMPROVE
VAGUE COMMUNICATION/MIXED MESSAGES	CLEAR, CONSISTENT DIALOGUE
UNWARRANTED SATISFACTORY EVALUATION	HONEST, OBJECTIVE ASSESSMENT
AT-RISK WORKING RELATIONSHIPS	CREDIBLE WORKING RELATIONSHIPS

## PITTFALLS - NEGATIVE MINDSET

- Lost opportunities for employee success
- Inability to impose discipline due to insufficient evidence
- Decline in work ethics cause by other employees modeling the same bad behavior
- Increased risk of liability in alleged unlawful personnel actions due to insufficient documentation
- Reduced efficiency and quality of the instructional program/operations and employer core values
- Additional cost and use of management time to train employee replacements

## FACTS

- What did the employee do?
- The facts must be:
  - Credible; and
  - Clearly described
- Credible facts are established by:
  - Firsthand knowledge of the evaluator through direct observation, or
  - Allegations from another person (complaint) which have been investigated and found to be credible.
    - Investigation: gather facts, determine credibility, weigh credible evidence

## FACTS

- Facts must be Specific, Complete, and Understood
- **Specific**: who, what, when, where, why, how?
  - Substantiate broad statements with concrete details
  - Example: "you are frequently late to staff meetings"
- **Complete**: The facts statement must speak for itself – self-contained
  - Sometimes we assume that the audience knows the facts
  - Use the "stranger test" to assess whether the facts are complete
- **Understood**: the employee and supervisor must have the same understanding of the scope/gravity of the problem
  - Be direct. Do not assume that the employee can read between the lines

## RULE

- What should the employee have done?
- The rule represents the standard, authority, direction, mandate, or expectation the employee is required to follow.
- The rule statement places the employee on notice of the expected proper conduct, and to hold the employee accountable for recurring violations of the same or similar rule
- Rules generally derive from policies, regulations, contracts, performance standards, job descriptions, employee handbooks, past directives

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## RULE

- Examples of applied rules:
- “Your conduct does not comply with Section 8, Paragraph C, of the ABCDE Collective Bargaining Agreement, which requires you to be at your work station by 8:00 a.m.”
- “Your conduct violates my letter, dated March 3, 2019, which directed you to return custodial supplies to their designated spaces at the end of your shift”
- “You are expected to maintain a courteous and supportive working relationship with co-workers to avoid negatively impacting the efficiency of office operations and staff morale. This includes refraining from using derogatory language, such as calling your co-worker Jake Knapp a “jerk” or an “idiot.”

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## IMPACT

- What is the impact of the employee's below-standard performance on the workplace?
- The purpose of an impact statement is to:
  - Connect the employee's performance to the job
  - Highlight the seriousness of the conduct in question
  - Motivate the employee to change behavior
  - Provide context to minor infractions
- Focus on the big picture and the ripple effect of conduct on operations, instructional programs, liability, public image, other employees, students served by the district

## IMPACT

- Examples of applied impact:
- Absenteeism: A shift of duties to other employees, causing increased workload and staff morale problems
- Disruptive behavior: Undermine productive working relationships and impair ability to effectively teach, to serve as an instructional role model and command the respect, confidence, and trust of students and peers.
- Immoral conduct: Impairment of the educational process, exposure of students and co-workers to harm, reputational harm to the college

## Suggestions/Directions

- What should the employee do to improve performance?
- Here we switch focus from what the employee did wrong to what the employee *should* do – clarify expectations for change and provide guidance to employees moving forward
- Suggestions: ideas/advice for change (cannot discipline employees for noncompliance)
- Directions: mandates for change (can discipline employees for noncompliance)

## Suggestions/Directions

- Clear Directives:
  - Effective timeline (effective immediately...)
  - Clear command verb (you are to *provide X*, you must *remove X*, you are expected to *report X*)
  - Clear description of direction (use supporting facts)
  - Consequences for noncompliance
    - Example: “Noncompliance with my directive will result in the issuance of a counseling memo”
    - Example: “Failure to follow my directions will result in further corrective action, including the issuance of a letter of reprimand.”
    - Example: “Continued noncompliance with the above directives will result in further disciplinary action, up to and including a recommendation for dismissal.”

## Suggestions/Directions

- Suggestions to support directions:
  - Attending training or academic courses
  - Meeting with the evaluator to answer questions
  - Sharing constructive strategies and techniques
  - Reviewing applicable employer rules, regulations, or policies
  - Providing practical checklists

## Knowledge

- Does the employee have knowledge of any personnel file rights?
- Talk to HR – we will help guide you through this portion of the process
- If a document will be placed in a personnel file, an employee may have the right to:
  - 1. know that the document will be placed in a personnel file; and
  - 2. submit a written response

## Supervisor Notes



- Supervisor working files/notes are *separate* from the employee's personnel file
- Anecdotal notes, summaries of interactions, emails, complaints (pending investigation and validation)
- Used by a supervisor to organize and chronicle performance-related information prior to formal documentation placed in an employee's personnel file

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## "FRISK" - Documentation

- **Facts:** What did the employee do or not do?
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## Selecting the Proper Progressive Intervention Step

- General Rule:
  - Start with the lowest intervention step...
  - That is likely to effect change...
  - Based on the seriousness of the employee's conduct
- Other considerations:
  - Gravity of the rule violation
  - Patterns of prior similar conduct
  - Degree of harm
- If in doubt, talk to HR!

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## Work-Life Balance: Identifying Your Values and Setting Priorities for Better Balance



Connie Ayala, ARC

## Spoiler Alert:

We cannot be SuperHero Supervisors 24/7 - 365



## Disclaimer

- Seeking balance is a continuous process, there is no one-time pill
- Priorities must be readjusted hourly/daily/weekly
- Constantly refining our self-awareness
  - Are the habits/routines/practices in my life producing the results I want?



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## Balance Requires Putting Yourself First

When we fly on an airplane, the flight attendant instructs us that if we are flying with others in our care, we should put our oxygen mask on first. Why is this an important rule for ensuring survival? Because if we run out of oxygen, we cannot help anyone else put on their oxygen mask.

- Signs of Imbalance "Running Out of Oxygen":
  - Extensive Fatigue
  - Reduced Mental Effectiveness
  - Inability to Sleep
  - Anxiety
  - Frustration
  - Burnout
  - Health Problems

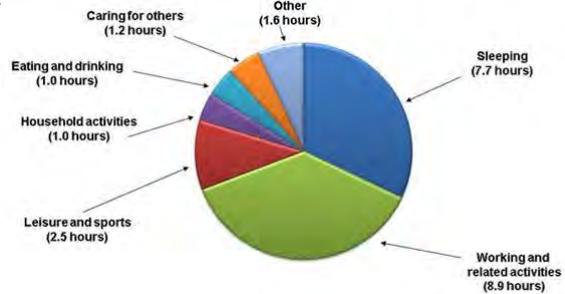


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## Where Does Your Time Go?

What do you need to be at your optimum self?

- Where or how are you spending your time?
  - Is it necessary right now?
  - Can it be done another time?
- What are you allowing to derail you or "steal" your time?
  - What drains you?
  - Can you delegate it?
  - Is it important?
- How do you charge up and energize?
  - What gives you joy?
  - What relaxes you?
  - What centers you?



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## What Do You Value? What Do You Need?



# Setting Balance/Priorities/Boundaries

Be intentional about making time for what you need to be at your optimum self.

## While at Work:

- **Prioritize** your work day according to deadlines
  - What must be done right now/today/this week
  - Manage your schedule how you need it to be
- **Communicate** deadlines with your team/anyone depending on you
  - Practice expectation management
- **Delegate:** Don't take on more than you should
  - Can someone else do this?  
"fun time"
- **Schedule** breaks, a lunch, days off, vacation
- Leave work at a reasonable time

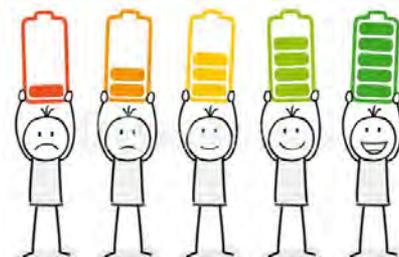
## After Work:

- \* Turn off work-related notifications, when possible
- \* Go off the grid, return only when necessary
- \* **Intentionally** make plans outside of work
  - Schedule in your "me time" and
- \* **Pay attention** to your health

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# Check Your Oxygen Levels

- Give yourself permission to take care of yourself
- Set rules for yourself to create new routines for self-care
- Promise yourself each day to do better
- Remind yourself that the habits/routines/practices you are setting are to give you a better quality of life for yourself and all those in your care.



## Questions? Comments/Sharing

**"We need to do a better job of putting ourselves higher on our own 'to do' list."**

- MICHELLE OBAMA



Balance is not better time management, but better boundary management. Balance means making choices and enjoying those choices.



# IDENTIFY YOUR Values

Our values are the core principles which give meaning to our lives. When our values are aligned with our work activities and surroundings, we are more satisfied. When they are not aligned with our work, we tend to be less contented with our lives.

There is an important and dynamic relationship between our individual values and those of the groups and organizations in which we work and spend most of our time. We have a greater chance of being satisfied and effective in our work when we can identify our own unique pattern of values and understand how they may or may not match those of the organization(s) with which we work. This instrument is designed to help you identify your values and create values-driven work.

## Directions:

On these two pages are lists of values grouped in four areas. Read the questions for each area. Using the introductory question as your guide, decide how important each value is to you using a scale of 1–4 as follows:

- 1 = not important in my work
- 2 = sometimes important in my work
- 3 = often important in my work
- 4 = always important in my work

Place an X in the box which represent the importance of each value to you. Feel free to add values which are not included and change words to fit your needs.

## WORK ENVIRONMENT Values

What **working conditions** provide an optimum environment in which I can do my best work?

		Not important				Very important			
		1	2	3	4	1	2	3	4
Aesthetically pleasing		<input type="checkbox"/>							
Autonomous		<input type="checkbox"/>							
Benefits		<input type="checkbox"/>							
Comfortable income		<input type="checkbox"/>							
Excitement		<input type="checkbox"/>							
Fast-paced		<input type="checkbox"/>							
Flexible		<input type="checkbox"/>							
High earnings		<input type="checkbox"/>							
Learning		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							
Location		<input type="checkbox"/>							
Personal safety		<input type="checkbox"/>							
Predictable		<input type="checkbox"/>							
Quiet		<input type="checkbox"/>							
Relaxed		<input type="checkbox"/>							
Sense of community		<input type="checkbox"/>							
Structured		<input type="checkbox"/>							
Time freedom		<input type="checkbox"/>							
Security		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							

## INTRINSIC Values

What **motivates** me to truly love my work day after day?

		Not important				Very important			
		1	2	3	4	1	2	3	4
Achievement		<input type="checkbox"/>							
Balance		<input type="checkbox"/>							
Belonging		<input type="checkbox"/>							
Commitment		<input type="checkbox"/>							
Contributing		<input type="checkbox"/>							
Environmental Awareness		<input type="checkbox"/>							
Equality		<input type="checkbox"/>							
Giving to community		<input type="checkbox"/>							
Honesty		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							
Independence		<input type="checkbox"/>							
Influence		<input type="checkbox"/>							
Integrity		<input type="checkbox"/>							
Power		<input type="checkbox"/>							
Respect		<input type="checkbox"/>							
Responsibility		<input type="checkbox"/>							
Self-respect		<input type="checkbox"/>							
Spirituality		<input type="checkbox"/>							
Status		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							

- 1 = not important in my work**
- 2 = sometimes important in my work**
- 3 = often important in my work**
- 4 = always important in my work**

## WORK RELATIONSHIP Values

What **characteristics of interaction** with others in my workplace are most important to me?

		Not important				Very important			
		1	2	3	4	1	2	3	4
Caring		<input type="checkbox"/>							
Competition		<input type="checkbox"/>							
Cooperation		<input type="checkbox"/>							
Diversity		<input type="checkbox"/>							
Friendships		<input type="checkbox"/>							
Fun		<input type="checkbox"/>							
Harmony		<input type="checkbox"/>							
Individualism		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							
Leadership		<input type="checkbox"/>							
Loyalty		<input type="checkbox"/>							
Management		<input type="checkbox"/>							
Open communication		<input type="checkbox"/>							
Recognition		<input type="checkbox"/>							
Support		<input type="checkbox"/>							
Teamwork		<input type="checkbox"/>							
Trust		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							

## WORK CONTENT Values

What makes my **work activities** most **satisfying and engaging** to me?

		Not important				Very important			
		1	2	3	4	1	2	3	4
Adventuresome		<input type="checkbox"/>							
Advocacy		<input type="checkbox"/>							
Analytical		<input type="checkbox"/>							
Challenging		<input type="checkbox"/>							
Conceptualizing		<input type="checkbox"/>							
Creative		<input type="checkbox"/>							
Decision-making		<input type="checkbox"/>							
Detailed		<input type="checkbox"/>							
Helping		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							
Initiating		<input type="checkbox"/>							
Leading-edge		<input type="checkbox"/>							
Organizing		<input type="checkbox"/>							
Physical		<input type="checkbox"/>							
Problem-solving		<input type="checkbox"/>							
Public contact		<input type="checkbox"/>							
Research		<input type="checkbox"/>							
Risk-taking		<input type="checkbox"/>							
Variety		<input type="checkbox"/>							
Other: _____		<input type="checkbox"/>							

# YOUR VALUES Profile

Review all of the values you marked on the previous pages. Choose your overall top ten values. In priority write your top ten values in the spaces provided below. Describe each value in your own words, developing a description which has meaning for you.

Example: 1. Flexible WE Opportunity to structure my own work hours  
 2. Recognition WR Acknowledge by others for my own work and contribution

## MY TOP 10 VALUES

Value	Value Area	Specific Meaning to Me
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

## SUMMARY

Which of the four value areas was the strongest in your top values list?

What insight does this give you about what is most important to you in your work?

In your current work, which of your top ten values are being satisfied?

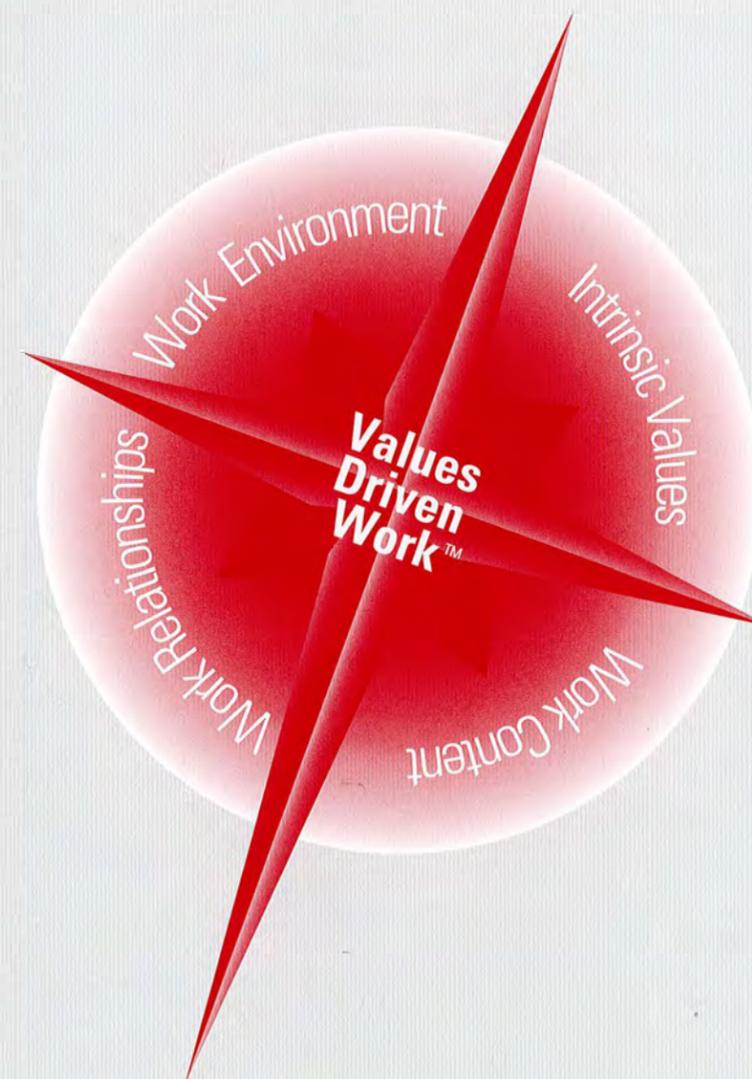
Are there any areas in which you could improve your level of satisfaction?



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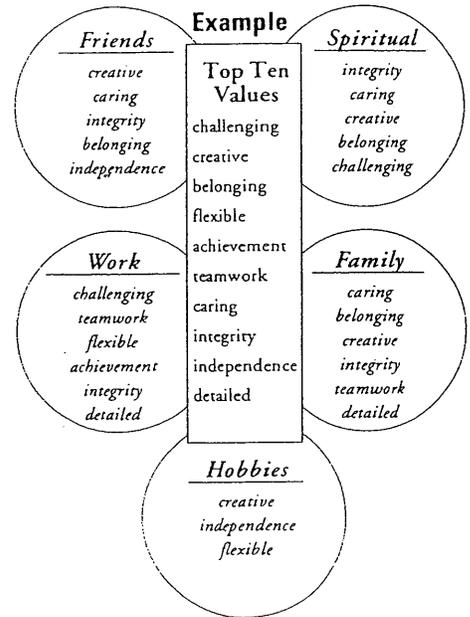
Inventory

# Values Expressed in Work and Personal Life

Work may not necessarily fulfill all your top values equally. Other areas of your life complement your worklife, providing more opportunities for fulfilling your values. Viewing the balance in your life from this larger perspective can be important in evaluating the alignment between your values and your work.

Write areas of your life that are important to you in the five circles below. They may include work, family, hobbies, spiritual, etc. In the middle box write your top ten values.

For each of the five areas of your life, write the values that are being met.



## My Top Ten Values

❖ From this balanced perspective, which values are vitally important for me to be satisfied in my work?

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❖ What changes could I make in other areas of my life to satisfy my top values?

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❖ Have my value priorities changed over the past five years? What values have shifted in importance for me recently?

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