

**Review of Key Concepts
2015 Core
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Civil Service Essentials

Obtaining your Chain of Command's Support

1. Explain the problem
2. Outline the advantages of action or change
3. Describe the drawbacks of inaction
4. Propose a solution

Statutory vs Delegated Authority

- Statutory Authority – given by law to your agency's appointing authority
- Delegated Authority – given by the agency's appointing authority to make decisions in certain delegated situations

Political Activities

- Classified employees are prohibited from engaging in campaign activities. This includes national, state or local campaigns
- Classified employees are prohibited from running for nomination or election for any public office
- Support includes any type of financial support, donating time or effort, or wearing or displaying political buttons, posters, handouts, fliers, etc.
- Classified employees may not publicly endorse or disparage any political candidate or party
- Classified employees may publicly support or oppose **issues**

Signatory Rights and Responsibilities

- Most documents that supervisors sign are official public documents
- Signing a document a supervisor knows contains false information is a violation of Civil Service Rules and can lead to disciplinary and even legal action against the supervisor

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Hiring and Retaining Top Talent

Critical behaviors

- Behaviors that are important for the job you are hiring for
- Behaviors can be different for different jobs
- Job descriptions, past experience and opinions of supervisors and colleagues help define critical behaviors

Designing Interview Questions

- Create questions that allow candidates to demonstrate critical behaviors
- Ask each candidate the same questions, and evaluate using a formal evaluation tool – this is known as **structured interviewing**
- Remove any questions that refer to characteristics protected by law including:
 - Age
 - Race
 - Color
 - Gender
 - Religion
 - Disability
 - National Origin
 - Marital Status/Pregnancy
 - Political Beliefs
 - Genetic predisposition
- Behavior-based interview questions invite applicants to describe how they behaved in past work situations. These types of questions give you a good view of how they might behave in the future
 - Example: Tell me about a time you had multiple deadlines. How did you handle this situation? How did you decide which project to work on?
 - Example: Tell me about a time you disagreed with a colleague about how to do some work.

Conducting Effective Interviews

- Document applicant responses - document what they say, NOT how you feel about their answers
- Use s **panel interview** - This interview technique has uses two to three interviewers including the hiring supervisor, an HR representative, and a technical person

Orientation vs Onboarding

- Orientation is the logistical paperwork and activities needed to get the employee started at work, including:
 - Benefits selection and other paperwork
 - IDs, email accounts, and passwords
 - Office or work supplies, etc.
- Onboarding is the strategic process of making your new employee a productive team member - onboarding activities include:
 - Goal planning session
 - Review of job description and job expectations
 - Assigning a mentor or buddy
 - Meeting with your new hire regularly to answer questions, etc.

Motivation

- People are motivated by both external and internal motivators
- External motivators are things we can hold and sense like money, an award, or a trophy
- Internal motivators are feelings we get inside that make us enjoy our work like satisfaction or challenge
- Supervisors should discuss motivation with their employees and try to find ways to help motivate them
 - Supervisors should be aware of what they cannot control such as raises, bonuses, and expensive trainings
 - Supervisors should concentrate on those motivators they can influence - these are usually internal motivators
- Supervisors should have periodic discussions with their employees to learn about what motivates them

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Common Myths that Affect Good Supervision

There are many false beliefs circulating throughout the state government workforce. These myths can cause problems in the workplace. Included among these myths are the following:

“You can’t fire a state employee”

- State employees can be dismissed
- Dismissal of permanent status classified employees can occur if the agency has “cause”- meaning the employee must either actually or potentially harm the state service
- In order to build a case for dismissal, supervisors must have documentation of problematic performance
- Probationary employees may be dismissed at any time

“Performance adjustments are automatic”

- Performance adjustments should only be recommended for those employees who deserve them
- Supervisors should meet regularly with employees to help them improve any performance problems or weaknesses

“All employees must be treated the same”

- Employees should be treated as individuals based on their behavior
- It is not illegal discrimination to treat an employee differently based on work performance or skills

“I can’t stop employees from wasting time”

- Supervisors have the right and responsibility to ensure employees are productive at work
- If an employee is wasting work time, consider responding by changing the workload or counseling the employee
- If necessary, disciplinary action can be recommended

Common Myths cont'd

“I can't assign job duties that are not specifically listed in the job description”

- Supervisors have the right and responsibility to assign reasonable job duties that help the agency achieve its goals and mission
- Employees have the responsibility to complete reasonable job duties assigned to them
- Duties that should not be assigned to an employee include duties that are illegal, immoral, unethical, unreasonably dangerous, or require a license the employee does not have

“My agency can reallocate positions based on an employee's performance”

- Reallocations are based on the *position* not the employee
- Positions can only be reallocated when they undergo significant and ongoing change

“I am doing enough to prevent workplace discrimination and harassment”

- Federal law prohibits employers from taking adverse job action against an employee based on a protected categories including:
 - Race
 - Color
 - Gender
 - Marital Status/Pregnancy
 - Genetic Predisposition
 - National Origin
 - Religion
 - Disability
 - Age
- Civil Service Rules also prohibit discrimination based on:
 - Race
 - Gender
 - Religion
 - Political Beliefs
- Be aware of two types of harassment:
 - Quid pro quo – a threat or promise of some action in exchange for the performance of a sexual act. An example might be requiring an employee to dine with you in order to receive a good evaluation.
 - Hostile environment – allowing or promoting a work environment that is intimidating, hostile, or degrading. This might include allowing offensive jokes, pictures, comments or offensive language to exist in your workplace.

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Leave Management

- Employees cannot take leave whenever they want
- Leave taken must be accrued and approved based on agency policy
- Supervisors can designate unauthorized leave, including tardiness, as an unscheduled absence this means the leave can be considered unpaid leave without pay
- An employee can also face disciplinary action for unscheduled absences
- One important exception to the leave principles above is when an employee qualifies for Family Medical Leave, or FMLA:
 - FMLA can be used by employees who have worked for a covered employer for 12 months and have worked more than 1250 hours in the past 12 months
 - FMLA can be used for the following 6 reasons:
 - Employee's own serious health condition
 - To care for a spouse, parent, or child with a serious health condition
 - Military exigency leave
 - Military caregiver leave
 - Birth of or care for a newborn child
 - Placement for adoption or foster care and care for a newly placed child
 - FMLA provides up to 12 weeks of unpaid leave
 - Supervisors may not punish an employee for using FMLA leave
 - Supervisors should consult with their HR office whenever they have or believe they might have an employee who qualifies for FMLA leave
- Civil Service rules allow for the non-disciplinary removal of an employee who has seven or more unscheduled absences in a 26-week period
 - FMLA absences may not be counted when applying this rule
 - Before applying this rule, supervisors must counsel employees and provide notice of the rule

Leave Management cont'd

- Supervisors should always work with their agency HR offices when considering this rule
- There are different types of leave:
 - Annual leave
 - Must be approved by the employee's supervisor (except for valid FMLA usage)
 - Can be denied if a valid business reason exists
 - Sick Leave
 - Cannot be denied if it is accrued, legitimate, and the employee followed agency procedure for approval
 - Supervisors can request doctor's note at any time and for every absence (EXCEPT for FMLA usage)
 - Supervisors can request a doctor's note from one employee and not others, if that employee uses sick leave often or if a supervisor suspects the employee is abusing sick leave
 - Compensatory Leave (k-time)
 - Employees must get approval to use accrued k-time
 - K-time leave requests may be denied if there is a valid business reason for doing so
 - Appointing Authorities may require an employee to take k-time at any time
 - Leave Without Pay
 - Authorized Leave Without Pay is often used for employees who have approved leave requests, but not enough leave on the books
 - Unauthorized Leave Without Pay is used when an employee takes time off that was not approved - which can lead to disciplinary action

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Validating Employee Performance

Effective Documentation

- Documentation is critical to a supervisor's job
- Documentation should be done consistently for each employee
- Supervisors should document both good and bad events
- Documentation should be done as close to the event as possible
- Documentation provides evidence that your decisions were fair and unbiased
- Effective documentation answers the questions: Who?, What?, Where?, When?, Why?, and How?
- Supervisors should document objective facts not subjective feelings
- Documentation is confidential, and should be kept in a secure place

Progressive Discipline

- Supervisor response gets progressively more severe when negative behavior repeats
- Is not required by Civil Service Rules
- May be required by individual agency policies
- Is not always appropriate

Appeal Rights and Disciplinary Procedures

- Supervisors do not have authority to discipline employees
- Only the appointing authority has this ability
- Supervisors can and should document events and performance problems, and can recommend disciplinary action
- When an agency intends to take a disciplinary action against a permanent status classified employee, they must follow the Loudermill procedure (also called due process)
- Permanent status classified employees have a right to due process when faced with a disciplinary action

Validating Employee Performance cont'd

- Due process means the employee must be provided reasons for any proposed disciplinary action, and must be given a reasonable time to respond
- Supervisors should work closely with their agency HR offices when dealing with any disciplinary action
- A permanent-status classified employee has 30 calendar days to appeal a disciplinary action