

The Department of General Services Constructive Intervention

(Revised August-2004)

Constructive Intervention is a performance correction process. It follows a set of principles established in the human behavior sciences. Departmental experience has demonstrated that constructive intervention is effective in performance correction, and compatible with the civil service system. Constructive Intervention has three fundamental steps.

Program management determines timeframes for each step, adjusted to each individual situation.

Acts of violence, threats of violence, theft, dishonesty, discrimination, retaliation, and sexual harassment should be considered urgent!

- If you consider the **act or threat of violence** as serious, immediately call 911. Then call your manager and the Workplace Violence hotline at (916) 376-5344.
- **Discrimination, retaliation and sexual harassment** must be reported to the EEO officer at (916) 376-5122.

If unsure as to what must be reported and to whom, the Constructive Intervention Unit (CIU) can advise you. Call (916) 376-5409.

STEP 1

Goal: To define and communicate expectations for work performance and conduct.

- ◆ Determine whether the cause of the problem is because the employee cannot perform, or could, but does not;
- ◆ Familiarize the employee with applicable rules, policies, procedures and expectations.

When to Begin

Begin Step 1 when you first notice that your employee's performance or conduct does not meet established expectations and is resulting in a negative effect upon the unit's work, the work group, or the customer's satisfaction.

1. **Prepare** for a focused discussion with your employee.

- ◆ Identify the performance/conduct requiring correction, and identify how it interferes with the unit's goals, mission, customer satisfaction, or other business activities. Use the attached **Corrective Discussion Planning Worksheet** to help you identify points of concern you need to address.
- ◆ Review the rules, policies, procedures and expectations that relate to concerns.
- ◆ Contact the **CIU** for consultation regarding documentation and managing the discussion.

(If the employee wants to have his/her union representative attend the discussion, another supervisor should be present.)

2. **Discuss** the concerns with work performance and/or conduct with your employee.

- ◆ Hold the discussion in a private place and arrange to be uninterrupted.
- ◆ Describe the work performance or conduct that you have concerns with and explain how it affects the business of the unit or the customer.
- ◆ Describe the relevant expectations, rules, policies and procedures, and provide written copies of these to the employee.
- ◆ Determine if your employee understands the expectations, rules, policies and procedures regarding his or her work performance or conduct.
- ◆ Determine if your employee needs further development (training, coaching, or experience).
- ◆ If appropriate, encourage your employee to *voluntarily* contact the Employee Assistance Program (EAP) provider for confidential assistance. The provider as of July 1, 2004 is Managed Health Network (MHN) at 1-866-327-4762. Let the employee know that State

time may be used to schedule the first appointment; however, the employee must use his or her own time to attend.

3. After the discussion:

- ◆ Make brief notes of the discussion and keep them in your locked working file.
- ◆ Put your plan for additional development into action.
- ◆ Schedule timely training, as needed.
- ◆ Follow-up periodically to be sure that the employee is performing as expected and provide feedback.
- ◆ Continue to coach and observe work performance and conduct.

Step 2

Goal: To identify and address continuing concerns with work performance and/or conduct.

- ◆ Provide **dates and specific examples** of continuing unacceptable work performance or conduct
- ◆ Describe the impact on the business or others
- ◆ Offer resources, such as Employee Assistance Program EAP, Family Medical Leave (FMLA), mediation, training consistent with the issues being addressed.
- ◆ Establish time frames for correction and inform of potential consequences for failure to correct.

(Note: A consultation with the CIU (formerly PES) at the beginning of this Step is a Departmental requirement. See HR Memorandum 01-005, issued March 12, 2001.)

When to Begin

Begin Step 2 when the actions you took in Step 1 have allowed reasonable time to produce results, but work performance is still below expectations or misconduct continues.

1. **Inform your manager and contact the CIU for advisement at (916) 376-5409.**
2. Your CIU consultant can assist you with preparing for your corrective discussion, making appropriate referrals, and coordinating with other resource units that may need to be involved.

Tell employee he or she has a right to union representation during the discussion, and that a second supervisor will be present whether or not a representative attends.

3. Conduct the corrective interview.
 - Choose a private place and arrange to be uninterrupted.
 - Explain that you will be taking notes, that the records will be kept at the office level, and that it is the employee's performance that will determine your future course of action.
 - Give dates and specific examples or evidence of the continuing work performance or conduct concerns and the impact on the unit, office or customer.
 - Review the plan for further development that was put into effect in Step 1 to resolve or correct the concerns, including training given, and the expectations, policies and procedures that were addressed
 - Listen to the employee's side of the story without argument or debate, and take notes describing the employee's point of view.
 - If you learn about something within the workplace that is contributing to the problem, agree to investigate and, as necessary, correct it.

- Encourage your employee to *voluntarily* contact the Employee Assistance Program (EAP) provider for *confidential assistance*. The provider, as of July 1, 2004, is Managed Health Network (MHN) at 1-866-327-4762. Let the employee know that State time may be used to schedule the appointment; however, the employee must use his or her own time to attend.
 - Offer other relevant resources such as Family Medical Leave (FMLA), mediation, training etc., consistent with the issues being addressed.
 - Explain that during this period you will allow some flexibility regarding workload, hours, and time off to facilitate access to needed help.
 - Set a date that allows a reasonable amount of time (specify) for the employee to get needed assistance through these resources.
 - This time is referred to as the “window of opportunity” and serves as your evaluation period. Set up a follow up date to reassess the situation.
 - Explain that expectations and policies relating to certain conduct must be met immediately and are not suspended during this evaluation period (such as, workplace violence prevention, properly using state property and supplies, following safety procedures, etc).
 - Explain that if these conditions and time frames are not met, it may result in your using the matters discussed in the meeting in an adverse action.
4. Prepare a corrective interview memo AFTER your discussion in order to include additional points that may be brought up during the discussion. Give the original to your employee and place the copy and other notes in your locked working file. See attached **SAMPLE Corrective Memo format**; contact CIU if you want to discuss the memo.
 5. At the conclusion of your evaluation period, require all further performance to be within established expectations.

Step 3

Goal: To bring the correction to a conclusion.

When to Begin

Begin Step 3 when one of the following conditions has occurred:

1. No Improvement (a below expectations pattern of poor performance or misconduct continues). Contact your manager and CIU. CIU can provide you with guidance regarding adverse action.
2. Some improvement, but still below expectations. You may want to set another “window of opportunity” or consider an adverse actions with minor penalty. Contact CIU for guidance.
3. Sustained performance at acceptable level. Congratulate the employee for doing well. Instruct the employee that his/her performance is meeting expectations. Prepare a written document to this effect and place it in your working file. Contact the CIU analyst so that working file may be closed.

CORRECTIVE INTERVIEW PLANNING SHEET

<p>EVENTS Time, date, place of events affecting work, work team, or customer satisfaction.</p>	<p>IMPACT ON THE JOB How did each event impact the work goals/mission? (Morale, customer satisfaction, waste, delay)</p>	<p>SUPERVISOR'S ACTIONS What action did you take with the employee to address the incidents or events?</p>



M E M O R A N D U M

SAMPLE FORMAT

(Written **AFTER** a Corrective Interview)

Date: _____

To: _____

Subject: CORRECTIVE DISCUSSION

This memorandum is a written record of my _____ (date) discussion with you about your performance, conduct, attendance, etc.

In that interview we discussed the following issues and how the unit's work has been impacted. (Describe incidents by date and the impact on business, such as: others were required to work overtime, work had to be delayed, customers complained, missed deadlines, etc.)

You explained that (employee's explanation). Due to your explanation, I will do the following to help you achieve the performance expectations for your position. (Attach copy of performance expectations. List actions you can take to assist employee.)

You may have _____ days from today to access the resources you need. After that date, you will be expected to meet all of the expectations pertaining to your job. However, you are expected to immediately correct (*specify those behaviors that must be corrected immediately.*)

Please be aware the department does offer a *confidential* Employee Assistance Program (EAP) through a contract with Managed Health Network (MHN). Your use of the program is **strictly voluntary**. If you believe the Program may be helpful, you may contact MHN directly for a confidential consultation at 1-866-327-4762. You may use state time to set up your first appointment; however, you will need to use your own time to attend any appointments.

You are expected to bring your performance to the established expectations within the time frames specified and to sustain it at that level. If you do not achieve these expectations, or if other problems arise or circumstances change, it may result in my using the matters discussed in our meeting in an adverse action.

I understand there may be many reasons for poor job performance, and I will do all I can to assist you in overcoming problems impacting your ability to succeed at work. I will be available if you would like to meet periodically to discuss your performance.

(Review employee's MOU for any requirement regarding length of time memo can be retained in file and include relevant statement. This memo will remain on file for _____.)

Supervisor's Signature