

Georgia City-County Management Association

HR “Fire Drills” Session

October 12, 2022



Purpose: HR Fire Drills were originally developed to help MPA students develop skills via classroom exercises to gain experience with situations they may encounter in their careers. The format was adapted for this year’s GCCMA Conference so fellow managers can exchange ideas and approaches to HR situations.

Even the most basic HR situation can snowball into a situation that drains time and energy from making progress on critical priorities. Some of these situations become public and political issues. Thus, any tips we can learn to be fair, thorough, and make decisions that avoid further legal concerns down the road to extinguish these “fires” is important. Few things can make a manager’s life more miserable and negatively affect an organization than lingering HR situations.

HR Fire Drills place a premium on exchanging information with your colleagues, identifying options, being open-minded, guarding against confirmation bias, envisioning how broad the potential implications might be on the organization – all while having fun! These scenarios are “inspired by true events” but streamlined and modified to work in this format.

Advanced Preparation before October 12

- Read the four scenarios, take a few notes, and be prepared to discuss with your group. There’s only 15 minutes for group discussion on your assigned scenario, so be ready to dive right into debate on how best to handle it.
- Bonus preparation: Read or skim “Random Thoughts on HR Investigations, Matters, & Appeal Hearings (v1.0)” that’s provided with the scenarios.



Key Points

- One team per table.
- You are the city/county manager in each scenario.
- One team will be selected for each of the four scenarios to quickly share how they responded.
- Other teams with the same scenario will be asked to “jump in” with how their responses differed.
- Presentations will be fast and focused with only 3-minutes to cover the key points – they are called “fire drills” for a reason 😊!
- Trophies awarded!

Schedule

- 1:30** Introductions, exercise overview, form into teams, and each team is assigned one of the four scenarios. Discuss, debate, and decide what to do and why.
- 1:55** One team will be selected for each of the four scenarios. Ten minutes will be spent covering each of the four scenarios:
 - ✓ Team Captain presentation (3 minutes)
 - ✓ “Rapid fire” sharing - other approaches and factors considered by other teams with the same scenario (4 minutes)
 - ✓ What really happened? (3 minutes)
- 2:40** Eric’s quick tips shared from mistakes, regrets, and lessons learned.
- 2:50** Awards presentation – Flame trophies to the winning team, runners-up, and best incident commanders!

Judges

The esteemed judges’ panel will determine which presentation teams provided the best overall responses.

- Joseph Mosley
- Charles Penny
- Mara Shaw

Water Plant Employee: Probationary Period Ending – What to Do?

The Water Plant Superintendent comes to you for some advice. The six-month probationary period for Water Plant Operator, Jason Shatner, is about to end. The superintendent said he's not sure whether to "sign off" on Jason's probationary period, terminate him, or extend the probation another three months. Once an employee gets off probationary status, they are then due the full process of the personnel ordinance for future disciplinary action and dismissal. The superintendent shared the following positives and concerns about Jason:

Concerns

- Substandard performance in completing daily log sheets (e.g., readings from various water condition/quality matters that must be sent to the State of NC).
- His original day shift partner (Joe) asked to be teamed with another operator due to his tardiness every Thursday night due to deliveries as his second job.
- Failed to update his home phone number with Water Plant staff on several occasions, which resulted in his supervisor not being able to contact him when needed to cover another shift during various emergencies.
- Needed more repetition of commands than expected to learn key tasks.
- Failed to obtain a valid driver's license within the required time. When hired, he was given 30 days to secure a license. It took him 90 days.
- Turned in his application to take his A-Surface test too late, so he was ineligible to take the test. Having a B-Surface is fine, but this was a missed opportunity to expand his knowledge and responsibility.
- Made \$40.82 in personal long-distance phone calls on the plant's phone. The finance director brought the unidentifiable calls to the superintendent. It turns out they were Jason's and he had to reimburse the town for this expense. He should have known better than to make long distance personal calls on the "company" phone and alerted the supervisors. He did acknowledge they were his when asked.

Positives

- He has a B-Surface Water Treatment Operator Certificate. It is hard to find someone who's already experienced, much less one level short of the highest level – A.
- Hiring someone inexperienced will take at least a year before they can be left alone at the plant.
- He and his family live close to town and his kids go to school in town, so he knows the community well.
- He says he really likes working at the plant and for the town and needs the job. He realizes he's made mistakes and seems quite sincere about improving.

What advice do you have for the Water Treatment Plant Superintendent about what to do with Jason?

Inappropriate Comments and Grievance Filed

A supervisor is talking to her subordinate. The subordinate has her daughter's high school prom picture on her desk. The supervisor asks the subordinate if her daughter is still dating the young man. The subordinate says "no" but wishes she was because he's a nice guy. The supervisor says that it's probably best because people of different races shouldn't mix. The daughter is African American and the young man is Latino, the supervisor is white.

The employee mentions this to the department head several months later. The department head talks to the supervisor and confirms that she indeed did make the comments. A written warning and counselling are provided to the supervisor. The supervisor files a grievance against the department head for the following reasons:

1. The subordinate and supervisor both went to the department head and stated there has been a misunderstanding – they both agree that it's best when the races don't mix (e.g., dating, marriage, etc.). Hence, if the subordinate is not upset there is no problem. It appears the subordinate has changed her position on the situation.
2. The department head (male) often makes inappropriate comments regarding race and politics, including trying to convince the employee her religious beliefs are often hypocritical.
3. The department head also has said things and taken actions that have cause an employee in the office to consider filing a sexual harassment claim through EEOC.
4. The department head often goes missing in action and is disorganized.

The supervisor filed another grievance six months earlier against the department head regarding her performance evaluation. As the town manager, you sustained the department head's position, but did find some minor areas of concern. There seems to be a perpetual stream of minor issues coming out of this department. Employees from other departments have been commenting for a while about the tension in this department. In addition, the recent bi-annual employee survey scores for this department dropped noticeably.

What do you do and why?

Water & Sewer Line Technician Keeps Falling Asleep

The line tech is regularly seen falling asleep by all his co-workers. The cited instances of sleeping on the job are too many to list, but the following are a few examples:

- While operating backhoe with employees in hole below the bucket.
- While driving town truck, veered into another lane and almost hit another car. The employee riding as a passenger states they were almost killed and will never ride with him again.
- A co-worker driving behind him observed the line tech's take-home town-owned truck swerve and almost crash multiple times one day after work.
- During your budget presentation to his division (snoring included).
- Many others.
- In addition, his town-owned truck was severely damaged when he hit the side of a bridge on his way home one evening. He claims he swerved to miss a vehicle coming into his lane.

The employee denies most but not all instances of falling asleep in spite of first-hand accounts made by many employees. He claims that his heavy eyelids make it look like he's asleep sometimes. This has been going on for about two years. He had a sleep study conducted, per the suggestion of his supervisor, which diagnosed him with sleep apnea. He told a co-worker that he never uses the prescribed CPAP machine.

His driving privileges have been revoked and he cannot operate heavy equipment for six-months during a designated observation period to give him an opportunity to get this matter under control. The line tech requested a Doze Alert to place on his ear. The device sounds an alarm when the head nods.

The safety officer sees the line tech inside a truck smoking (a policy violation) and without his Doze Alert that he agreed to wear during the six-month observation period. When the safety officer asks why he is not wearing the device he directs a barrage of profanity at the safety officer. He also tells him that he cannot be fired because his sleep disorder disability gives him protection under the Americans with Disabilities Act (ADA).

You are made aware of this situation, what do you do and why?

Police Department Quandary

Key Players:

- **Corporal Cramer:** befriended by Commissioner Edna Jones
- **Sgt. Smith:** Sgt. over A-Squad, does not get along with Cramer
- **Sgt. Roberts:** Sgt. over C-Squad, not involved in rivalry
- **Town Commissioner Edna Jones:** hands-on elected official, zealous supporter of Corporal Cramer
- **Mayor:** Tries to manage daily operations, dislikes Sgt. Smith

Introduction - A rivalry exists between two officers in the police department who do not like one another, Sergeant Smith and Corporal Cramer. At around 2:30 a.m., you (the town manager) are working late on the budget at the office. You notice a car repeatedly driving into the office parking lot for the past hour. Finally, you see a young man get out of the car. He is carrying a video camera and walking towards the police department. You walk out the back door to inquire what the young man is doing, as it looks suspicious. The young man is startled and nervous. He gives you some general answers and then goes back to his car. You contact the on-duty supervisor, Sgt. Smith to inform him of the situation. Sgt. Smith pulls the vehicle over an hour later. He recognizes the young man, a 16-year-old, who is part of the Police Explorer Program. When asked what he was doing, he explains that he was told by Cpl. Cramer to get video of Sgt. Smith and his squad when they are working to try to catch them doing something wrong. Inside the young man's car is a scanner set up to record cordless phone and police radio conversations. It turns out the Police Explorer and Cpl. Cramer were recording phone conversations outside of the Corporal's ex-girlfriend's house. Cpl. Cramer suspected she was having a relationship with Sgt. Smith, who happens to be married.

The Questioning - The Chief questioned Cpl. Cramer and he admitted to the recording of phone conversations between his ex-girlfriend and Sgt. Smith. He also admitted to giving the Police Explorer the video surveillance as an assignment. In the pre-dismissal hearing, Cpl. Cramer said he should not be fired because some of the other officers, including Sgt. Smith, were treating him poorly. He's insistent that Sgt. Smith is having a relationship with his ex-girlfriend and that is harassment by a supervisor. He tells the Chief that a group of the officers have an initiation process for new officers that requires them to have sex while on duty (e.g., in a patrol car). Cpl. Cramer says that Sgt.

Roberts, one of the four squad leaders, also knew about the initiations.

The Chief tells Cpl. Cramer that what he did was illegal and that wiretapping and using a minor to help him spy on fellow officers was a violation of multiple police department policies. He plans to recommend his termination to the town manager. Cpl. Cramer says, "You can't fire me, I'm going to Commissioner Edna Jones, and she's going to put a stop to this." He immediately goes to Commissioner Jones' place of work and asks for her help. Commissioner Jones does a ride-along almost every Saturday night that Cpl. Cramer works – she thinks he's the department's best officer. Commissioner Jones frequently calls you the following Monday morning after she has been on a ride-along and complain that other officers don't support Cpl. Cramer and don't talk nicely to him on the radio.

After Cpl. Cramer leaves Commissioner Jones' business, she calls you, starts yelling and questioning you for 45 minutes. She comments that Sgt. Smith is in the Hell's Angels. She tells you, "If you fire Cpl. Cramer, I'm going to fire you." Cpl. Cramer appeals his proposed termination. He is placed on paid administrative leave until you can investigate all the issues.

A major investigation ensues. You call the District Attorney and the State Bureau of Investigation, and neither will help with the situation, stating that this is an internal matter. You spend over a month looking into allegations of on-duty sexual activity and other issues. You interview all 25 members of the department. This is taking place in addition to your regular duties, building a new budget from scratch, and attending court-ordered mediation on eminent domain lawsuits for land necessary to build the new reservoir. All-nighters are a regular occurrence for you.

The rumor mill is wide open. The Police Benevolent Association is representing Cpl. Cramer stating that he's a scapegoat, there are lots of problems within the department, and there are serious issues with the Chief. After questioning most everyone in the department, it's clear that someone is lying. In the middle of the investigation, you come into work to find several TV vans, with reporters waiting to interview you. The mayor called the TV stations and has already been interviewed, stating Cpl. Cramer is being scapegoated and others should be fired.

Next steps - The SBI gave you the name of a polygraph operator they use. To find out what is going on, you provide notice to eight members of the department that they will be subjected to a polygraph test. If they decline to take the test, they will be terminated for insubordination. Any findings cannot be used against them criminally, just for administrative purposes. The night before the tests are scheduled to take place, several of the officers call and confess to you that the allegations against them were true – they had indeed had sex on-duty, sometimes multiple times. The polygraph tests produced more confessions. Sgt. Smith admitted to having on-duty sex with Cpl. Cramer’s ex-girlfriend.

Sgt. Roberts and the Chief. The investigation determined that Sgt. Roberts did **not** participate in the initiations or inappropriate activity, nor did anyone from his squad participate, but he knew about the “initiations” because other officers told him. He didn’t say anything because it was in another squad and not his responsibility. The Chief was cleared of any wrongdoing. While there was no real evidence against him in the first place, just rumor, it was important to pursue all allegations so you would have 100% confidence in him.

Mayor & Commissioner Jones’ involvement in personnel matters. During the investigation, Sgt. Smith shared several stories of how the Mayor and Commissioner Jones had both been threatening to get him fired for years, even pre-dating the recent events. There were even witnesses that heard both tell Sgt. Smith they would get him fired. The investigation determined the Mayor and Commissioner essentially didn’t like Sgt. Smith as they had no substantive evidence of any wrongdoing. The town attorney, your former town attorney from a prior jurisdiction, and a fellow town manager advise that you should not fire Sgt. Smith due to the threats made by the Mayor and Commissioner.

The polygraph operator, a former police officer and seasoned investigator who regularly works with the SBI on cases, tells you that on-duty sex is a common thing in departments. He says this is not something you fire

officers for unless it’s an on-going problem, otherwise departments would have to fire most of their officers. He advises to document, reprimand, suspend and demote depending on the situations.

During Cpl. Cramer’s appeal hearing, you find that in addition to the illegal wiretapping and involving a minor/Police Explorer in an unauthorized surveillance operation, there is a large amount of evidence that comes out about his having on-duty sexual activities as well. He abruptly resigns in the middle of the hearing. Another patrol officer is fired for outrageous behavior at a department Christmas party.

You find yourself in a real dilemma of what to do with the remaining six officers. Part of you wants to fire all six officers who are involved: Sgt. Smith (on-duty sex and knowing about the informal initiations), Sgt. Roberts for knowing and not saying anything, and four officers who admitted to on-duty sexual activity. All officers have admitted their bad judgment and pledge that nothing of the sort will ever happen again. None have any prior patterns of disciplinary problems.

The situation has turned into such a mess in terms of media attention and internal disruption that “cleaning house” is appealing for a variety of reasons. The other part of you trusts the advice you’ve received from others – that you should not fire Sgt. Smith. Also, you feel that if you fire all six officers, it will appear as though you’ve “caved in” to the Mayor and Commissioner to save your own skin. You’re concerned that firing the officers, especially Sgt. Smith, will undermine your ability to manage the town departments, because everyone will believe the Mayor and Commissioner Jones are really managing the town.

Key decision points:

1. Do you fire, demote, and/or suspend: Sgt. Smith and Officers A, B, C, and D for having on-duty sex and not being completely forthcoming with their involvement?
2. What do you do, if anything, about Sgt. Roberts?
3. What are the primary reasons for your decisions?
4. How do you respond to Commissioner Edna Jones when she says, “if you fire him, I’m going to fire you”?
5. Sgt. Smith’s wife calls you demanding to know if you determined that her husband was having an affair. What do you tell her?