

FRISK™ MANUAL

FRISK™ Overview

FRISK™ *Documentation Model, Practical Guidelines for Evaluators in Documenting Unsatisfactory Employee Performance* is designed for public sector evaluators as a communication framework to help promote positive change in substandard employee performance or to correct misconduct. It uses the primary elements of just cause to form the basis of the FRISK™ components. The Model reviews each of these components and their specific application as part of an assertive communication skills strategy to promote change and develop a clear understanding of performance expectations. Emphasis is placed on open, honest, and precise information sharing to avoid misinterpretation and provide employees with clear direction for change within an accountable and considerate working relationship.

What does FRISK™ stand for?

FRISK™ is an acronym representing the universal components which should be included in any communication with employees involving performance problems or misconduct. These communication components represent the "FRISK™ Language." Each of these components has a special purpose:

- F** FACTS evidencing the employee's unsatisfactory conduct.
- R** RULE or authority violated by the employee's behavior.
- I** IMPACT of the employee's unsatisfactory conduct on the workplace.
- S** SUGGESTIONS to assist the employee in improving performance and directions as to the proper conduct the employee is expected to follow in the future. These directions are also referred to as Directives such as "Immediately you will...".
- K** KNOWLEDGE of the employee's right to respond to corrective documentation placed in the personnel file.

The FRISK™ Model focuses on each FRISK™ communication component and identifies basic guidelines and procedures necessary for their proper application in communicating, documenting, and correcting employee performance problems. It is a critical component in a progressive discipline model.

There are three elements that must be considered:

1. The process will be **positive**. Emphasis is placed on the potential of employees to change/improve their behavior/performance rather than punitive measures.
2. The process will be **corrective**. Supervisors have a responsibility to assist employees in modifying their conduct.
3. The process will be **progressive**. By progressively increasing the severity of the communication and discipline imposed for persistent misconduct or failure to meet the established standard it is expected that employees will be given the necessary incentive to take corrective action.

There are three consecutive types of communications used for correcting employee behavior/performance:

a) **Counsel**; the supervisor will normally use informal operational guidance techniques for performance related issues as a first response, subject always of course, to the severity of the issue. If step (a) fails, the supervisor will proceed with step (b) and if that fails, step (c).

b) **Warnings**; either verbal or written, that are specifically not disciplinary can have no adverse affect on an employee's employment. Meetings for this purpose do not require that supervisor request the mandatory attendance of a Union Representative, although an employee may still request a Union Representative in any case and such requests should be honored.

When putting a written warning in an employee's file it is characterized as a, "Letter of Direction". The employee is given the letter and the Union Representative, supervising Dean, VP, and the President are copied as well. The tenor of the letter is constructive, not negative. Its purpose is to counsel and communicate, to identify or clarify expected behavior in performance of job duties. Letters of Direction do not make reference to further incidents being followed by further, possibly increased, discipline. Note: Since Letters of Direction are not disciplinary in nature there is no contractual obligation to remove these letters from a file.

c) **Discipline**; which requires the mandatory presence of a Union Representative from the first point at which the employer believes that discipline may be required. Where circumstances are such that action must be taken before a meeting with a

If discipline is found to be warranted, the employee will be given a letter, and a copy will go on the employees' personnel file and copied to the Union Representative, supervising Dean, VP, and the President. The tenor of the letter should leave no doubt in the employee's mind of the disciplinary consequences and potential future effect of the letter.

The following is a non-exhaustive list of the differences between non-disciplinary, performance expectation (e.g., counsel and warning) letters and disciplinary letters:

Performance Expectations Letter

Purpose: to counsel and communicate, to identify or clarify expected behavior in performance of job duties.

Employer's Intention: helpful, supportive. Examples used only as a means to clarify inappropriate or acceptable behavior.

Disciplinary Letter

Purpose: to correct poor performance or undesirable behavior – assumes that discipline is needed to achieve correction.

Employer's Intention: disciplinary.

Performance Expectations Letter

Support is offered by way of training and/or other resources.

Develops, with employee's input, mutual goals to encourage employee's commitment to change.

Focus: assumes behavior will change in future, when an employee understands what is expected and is supported in an effort to change.

A review period is set to give feedback on progress of change.

A future disciplinable offence will be treated with no reference to this letter as a foundation for any progressive discipline. This letter may only be used to show that the employee was aware of the employer's requirements.

On the following pages are a FRISK™ Quick Reference Guide and FRISK™ document templates. For more specific and detailed information about the FRISK™ Model refer to the following:

Andelson, S. J. (1998). *FRISK™ Documentation Model, Practical Guidelines for Evaluators in Documenting Unsatisfactory Employee Performance, 15th Edition*. Atkinson, Andelson, Loya, Ruud & Romo publishers.

Disciplinary Letter

Nature of Employee's conduct: culpable – specific incidents or poor performance, or infraction of a rule, policy or standard.

Should be clearly stated to be disciplinary.

The employee is offered the opportunity to respond effectively to it.

Focus: expected behavior is identified, but consequences are attached to present and any failure to meet prescribed standards.

Requires compliance with provisions of the collective bargaining agreement, such as the presence of a union representative, when discipline is imposed.

Negative impact on employee's work record. Part of progressive discipline – further incidents of a similar nature may be followed by further, possibly increased, discipline.

FRISK™ Quick Reference Guide

<p>F - Facts: What did the employee do?</p>	<p>Pinpoint the specific conduct and describe the conduct in complete and explicit terms. If necessary, supplement general statements with specific examples to provide a proper factual foundation.</p>
<p>R - Rule: What should the employee have done?</p>	<p>Include the rule, policy, authority or expectation relating to the deficient performance or misconduct, such as board policies or administrative regulations, collective bargaining agreement provisions, administrative directives, Educational Code sections, recognized professional standards, AND include prior same rule violations.</p>
<p>I - Impact: What was the impact of the employee's conduct on the discipline, department, college, and/or district?</p>	<p>Include facts which describe the negative or adverse effect of the employee's conduct on the discipline, department, college, and/or district, most notably on other employees and students.</p>
<p>S - Suggestions: When and what do you want the employee to do? What will happen if there is no improvement? How can you help the employee to improve?</p>	<p>Include clear and unequivocal directions on the proper conduct you expect the employee to follow, the effective timelines and the consequences if the employee fails to comply (these are also referred to as "directives"), AND include suggestions for improvement as well as notifying the employee of resources available or that could be made available to support them in complying with the directives.</p>
<p>K - Knowledge: Does the employee have knowledge of the disciplinary document as required by Education Code Section 87031?</p>	<p>Include language notifying the employee of the right to file a response to a derogatory document prior to the document's placement in the personnel file.</p>

FRISK™ Document Templates

The attached FRISK™ document templates and sample letters that are designed as a communication framework to help promote positive change in substandard employee performance or misconduct. These document templates have been modified from the original FRISK™ documents to serve the needs/purpose of the college.



Memorandum

To:
From:
Date:
Re: Counsel Memorandum

This memorandum serves as counsel regarding [insert specific description of behavior, performance, or conduct in complete and explicit terms here].

Be advised that [insert rule, policy, authority or expectation relating to the deficient performance or misconduct, such as board policies or administrative regulations, collective bargaining agreement provisions, administrative directives, Educational Code sections, recognized professional standards here].

As a result of this conduct, [describe the negative or adverse effect of the employee's conduct on the discipline, department, college, and/or district, most notably on other employees and students here].

Therefore, henceforth you are directed to do the following.

1. [Insert clear and unequivocal directions on the proper conduct you expect the employee to follow here].

Lastly, [Insert description of resources available or that could be made available to support them in complying with the directives here].

Counsel Memorandum

To: XYZ Department Chair

From:

Date: Assigning Faculty According to Seniority/Priority Lists

This memorandum serves as counsel regarding a grievance filed on behalf of Faculty Member A pertaining to him/her not being assigned in fall in accordance with Article 15.4.a.

According to Article 15.4.a and policies and procedures of the office of the Vice President of Academic Affairs, Faculty Member A should have been provided with a Verification of Hourly Assignment letter by the end of the 6th week of spring semester. The grievant should have responded by the end of the 8th week of spring semester. And the assignment should have been completed by the end of the 12th week of spring semester.

Therefore, henceforth please implement the following.

1. Communicate with faculty, in writing only, regarding assignments.
2. Prepare and send Verification of Hourly Assignment Letters for all assignments and assignment changes.
3. Prepare and distribute seniority and priority lists in accordance with timelines and due dates as specified in the AFT contract and/or as specified by the Vice President of Academic Affairs.
4. Properly assign faculty in accordance with seniority and priority lists and in accordance with Articles 15 and 16.

Lastly, training on the assignment offering, verification, and seniority/priority list will be made available for you upon request.



Warning Memorandum

To:

From:

Date:

Re:

This memorandum serves as a warning regarding [insert specific description of behavior, performance, or conduct in complete and explicit terms here].

Be advised that [insert rule, policy, authority or expectation relating to the deficient performance or misconduct, such as board policies or administrative regulations, collective bargaining agreement provisions, administrative directives, Educational Code sections, recognized professional standards here]. You have been previously counseled on this matter [description and date(s) of previous correspondence here].

As a result of this conduct, [describe the negative or adverse effect of the employee's conduct on the discipline, department, college, and/or district, most notably on other employees and students here].

Therefore, henceforth you are directed to do the following.

1. [Insert clear and unequivocal directions on the proper conduct you expect the employee to follow here].

Noncompliance with this/these directives will result in further disciplinary action.

[Insert description of resources available or that could be made available to support them in complying with the directives here].

A copy of this unsatisfactory notice will be placed in your personnel file in ten days. You may prepare and submit a written response to accompany this notice in your file.



Warning Memorandum

To:

From:

Date:

Re: Response to Compliance Officer/Student Grievance in Timely Manner

On (such and such dates) you were notified (via which methods, e.g. email, certified letter, etc) to contact the Compliance Officer to schedule student grievance hearing(s) on the following matter(s) (specify).

To date you have not responded to the Compliance Officer's request to (what was the instructor requested to do?).

This conduct violates Administrative Regulation E-55 that calls for "prompt and equitable means for resolving student(s) grievances". It also violates Article 13.8.b which specifies related duties of faculty include being "available for student consultation by appointment".

Your conduct negatively impacts students' and the colleges' ability to resolve grievances in a timely manner by arbitrarily delaying the process due to your unresponsiveness.

Effective immediately, you are directed to respond the Compliance Officer's request to (specify) within 10 instructional days. Failure to comply with this directive will result in an Unsatisfactory Notice.

To assist in correcting this conduct in the future, I offer the follow suggestions:

- Respond to the Compliance Officer's requests for information, meetings, or other requests in a reasonable amount of time. Often times the Compliance Officer is working with mandatory timelines and deadlines.
- Respond to the Compliance Officer's requests within the deadline that is set by the Compliance Officer. If you cannot meet the deadline specified by the Compliance Officer you should (a) notify the Compliance Officer of the reasons why you cannot respond by the deadline and(b) through mutual agreement with the Compliance Officer specify an acceptable deadline.
- Refer to Administrative Regulation E-55 (attached) so you are aware the policies and procedures governing student grievances.

A copy of this memorandum will be placed in your personnel file after 10 instructional days. You may prepare a response and have that response attached to this document.



Unsatisfactory Notice

To:

From:

Date:

Re:

This memorandum serves as Unsatisfactory Notice [insert specific description of behavior, performance, or conduct in complete and explicit terms here].

Be advised that [insert rule, policy, authority or expectation relating to the deficient performance or misconduct, such as board policies or administrative regulations, collective bargaining agreement provisions, administrative directives, Educational Code sections, recognized professional standards here]. You have been previously counseled/warned on this matter [description and date(s) of previous correspondence here].

As a result of this conduct, [describe the negative or adverse effect of the employee's conduct on the discipline, department, college, and/or district, most notably on other employees and students here].

Therefore, henceforth you are directed to do the following.

2. [Insert clear and unequivocal directions on the proper conduct you expect the employee to follow here].

A copy of this unsatisfactory notice will be placed in your personnel file in ten days. You may prepare and submit a written response to accompany this notice in your file.



Unsatisfactory Notice

To:

From:

Date:

Re: Failure to Perform Normal and Reasonable Duties of the Department
Chair

This memorandum serves as an unsatisfactory notice of your performance as department chair, particularly your failure to perform normal and reasonable duties as outlined in Article 17 of the AFT contract and your unresponsiveness to former counsel/warning communications and directives.

Specifically, there are several duties outlined in Article 17 D (Department Chair Duties) that you have consistently failed to perform, despite numerous verbal and written communications (emails) as follows.

Failure to Prepare Seniority and Priority Lists and Assign Faculty According to Articles 15 and 16 of the AFT Contract. As a result of several grievances filed by faculty, beginning in date XYZ, I emailed you regarding the necessity to prepare a priority list for Discipline A for summer and assign faculty according to their priority. On date XYZ, I emailed you regarding the same issue only for the Discipline B. On date XYZ, I emailed again requesting English summer priority lists. I emailed you again on August 16th pertaining to this matter. At this point I indicated you should be submitting lists for fall and preparing lists for winter. On date XYZ, I emailed you once more. Your noncompliance with my requests prompted me to email you on date XYZ to outline due dates for preparing, distributing, and verifying seniority/priority lists with faculty in all disciplines within your department. I sent you reminder emails as to the deadlines on date XYZ and date XYZ. On date XYZ I asked for a status report on the process and you did not respond. In addition, you did not turn verified seniority/priority lists to Academic Affairs as required on date XYZ. Failure to respond to my requests and deadlines for six months is considered unsatisfactory performance.

Furthermore, your failure to comply with my directives has led to (1) additional grievances and (2) inaccurate assignments in which adjunct faculty will have to be compensated for a total of 9 standard hours or 36 hours per pay period.

Effectively immediately, you are to comply with the following:

1. Respond to my requests for information and directives, unless otherwise specified, within 2 working days. Exceptions to this deadline are only allowed upon mutual agreement with the Vice President of Academic Affairs, if you are out of the office on pre-approved leave (including pre-

approved D Basis days), or have reported absent to the office of Academic Affairs.

2. Properly assign faculty in accordance with seniority and priority lists and in accordance with Articles 15 and 16. Prepare and distribute ACCURATE seniority and priority lists in accordance with timelines and due dates as specified in the AFT contract and/or as specified by the Vice President of Academic Affairs.
3. Comply with all policies, procedures, and practices as specified in the AFT contract/agreement. Ensure that department staff and the vice chair comply with provisions of the contract/agreement.

Continued failure to comply with these directives may result in your removal as department chair.

A copy of this unsatisfactory notice will be placed in your personnel file in ten days. You may prepare and submit a written response to accompany this notice in your file.