OBJECTIVES

...be able to identify the major federal employment laws and use that knowledge to make informed decisions so as to minimize the risk of liability for you and your agency

...have a familiarity of a broad range of issues surrounding performance management and have the essential tools needed to effectively respond to them

...understand the basic principles of progressive discipline and gain the knowledge to apply progressive discipline strategies

...be able to identify the three main reasons people fail in a job setting and learn helpful strategies to respond to an employee’s performance and/or conduct deficiencies
OBJECTIVES

...learn effective recruitment strategies including writing vacancy announcements, position descriptions, apply behavioral and situational interview strategies that will aid in selecting the best possible candidates.

...learn to complete a job analysis and write job specifications that reflect essential functions of the position.

...learn what motivates employees and a number of key leadership actions you can implement immediately that will contribute to being an even more effective leader in your Court; and finally...
Fulfill one of the core requirements towards obtaining your certificate in Judicial Administration from Michigan State University!
WHY IS HUMAN RESOURCES MANAGEMENT CRITICAL?

GROUP EXERCISE
EMPLOYMENT LAW 101

- Title VII Civil Rights Act of 1964
- Americans with Disabilities Act
- The Age in Discrimination Act of 1990
- The Fair Labor Standards Act
- The Family Medical Leave Act
- The Uniformed Services Employment and Reemployment Rights Act of 1994
- The Health Insurance and Portability and Accountability Act, 1966
- Occupational and Safety Act
- At Will Employment
What is a good deal for the employer?
What are the consequences when employees believe they are not getting a good deal?
EMPLOYMENT LAW 101

How do employees attempt to bring it all back into balance?
Jury Gives Millions in Worker Dispute  
(Daily Journal, March 26, 2013)

Employee Wins Record $21.7 Million  
(Daily Journal, February 21, 2013)

EEOC Takes An Aggressive Pill from NLRB  
(Business and Legal Reports Article March 27, 2013)
Employees feel it’s a good deal when…

They are treated fairly and equitably

Their legitimate job related needs are considered and to the extent possible met
Employers feel it’s a good deal when...
So what does good human resource management do?

It structures and monitors the relationship between the court and its employees so that everybody gets a good deal.
What do you think is the most common charge against employers?
HUMAN RESOURCE OATH

First

Do No Harm
THE U.S SUPREME COURT HAS RULED...
The U.S Supreme Court has ruled...

...that when harassment is so pervasive and severe that it actually alters an employee’s terms of conditions of employment and creates an abusive working environment, a violation of the law has occurred.
EMPLOYMENT LAW 101

QUIZ TIME!
EMPLOYMENT LAW 101
THE COST OF WORKPLACE HARASSMENT
Describe the nature of the harassment in the office?

How did the coworkers respond to the harassing employee?

How did the coworkers respond to the victim of harassment?

Describe the initial response of the supervisor and comment on whether or not you believe her response was typical of what might happen in your office?

How did the supervisor’s manager handle the situation? What was HR’s role?

What are the most important “take aways” for you?
What is workplace Harassment?

Harassment is defined as “unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion toward a person on the basis of race, color, religion, sex, national origin, age, disability, or military or veteran status, and that

(1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;

(2) has the purpose or effect of unreasonably interfering with an employee’s work performance; or

(3) affects an employee’s employment decisions.
What is “quid pro quo harassment?”
What is a “hostile work environment?”

Discriminatory conduct on the basis of:

- Race
- Color
- Religion
- National Origin
- Age
- Disability
- Military or veteran status, or
- Additional protected classes within your state or federal agency
EMPLOYMENT LAW 101

SETTING BEHAVIORAL BOUNDARIES
What are management’s responsibilities?
What is performance management?

GROUP EXERCISE
Performance management includes the processes used to identify, measure, communicate, develop, and reward or correct employee performance.
PERFORMANCE MANAGEMENT

Lessons learned – Federal Judiciary
Performance Management Made Simple:
The Three Most Important Things Supervisors Can Do
(helps everyone get a good deal)
SETTING EXPECTATIONS

PERFORMANCE MANAGEMENT

EXPECTATIONS
Please don't disappoint
Expectations...

Begin before the employee is ever hired in the...

And continue during...
Letting Staff Know How They Are Doing
Performance Appraisals

<table>
<thead>
<tr>
<th>RATING</th>
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<tbody>
<tr>
<td>☑   Exceptional</td>
</tr>
<tr>
<td>Exceeds requirements</td>
</tr>
<tr>
<td>Meets requirements</td>
</tr>
<tr>
<td>Needs improvement</td>
</tr>
<tr>
<td>Poor</td>
</tr>
</tbody>
</table>
Beware!
Performance Appraisal Rater Errors
Danger of...

Varying Standards
Recency/Primacy Effects
Central Tendency, Leniency, Strictness
Rater bias
Halo and Horn Effects
Contrast Error
Similar to Me/Different From Me
Sampling Error
PERFORMANCE MANAGEMENT

Performance Gaps and Concerns

Performance Problems

Conduct Problems

Coaching vs Counseling
PERFORMANCE MANAGEMENT

Consider the BOCA Model

Behavior
Outcome
Consequences
Alternatives
PERFORMANCE MANAGEMENT

Three Reasons People Fail In Their Jobs
PERFORMANCE MANAGEMENT

When Problems Arise:
Don’t Procrastinate

GROUP EXERCISE
5 POTENTIAL PROBLEMS IN PERFORMANCE MANAGEMENT

Considering Protected Absences
Over Evaluation
Using Labels to Describe Behavior
Focusing On Cause
Focusing on Intent
PERFORMANCE MANAGEMENT

Progressive Discipline

Assumptions

Most Frequent Violations
What is Progressive Discipline?
The Goal of Progressive Discipline?

Progressive Disciplinary Steps – For Example:

- Oral
- In Writing
- Suspension
- Termination
PERFORMANCE MANAGEMENT

Do’s & Don’t’s of Discipline

Employee Rights
Funding Makes the World Go ‘Round
Recruitment: Workforce Demographics
Getting the Facts
WORKPLACE PLANNING, RECRUITMENT & SELECTION

Positioning Vacancies in the Marketplace

1. Target Your Advertising
2. Newspapers and Online Classifieds
3. Executive Level Positions
4. Courts With A Multi-Cultural Customer Base
5. Volunteer Opportunities
**INTERNERSHIP**

**REPRESENTATIVE DUTIES**
- Participation in the introduction of Sharepoint into daily use within the Court.
- Development, installation and troubleshooting of network infrastructure.
- Assist in software development.
- Creation of applications for mobile devices.
- Involvement in graphic design projects.
- Assist with the development and implementation of signature pads.
- Help prepare documentation on a variety of software programs and hardware devices for end users.
- Research and report on new cutting-edge technologies and practices such as software programs, "apps", mobile devices, and use of social media.

**BENEFITS**
- Enhanced resume.
- Exposure to real world experiences and cutting-edge technologies and practices.
- Customization of internship in accordance with current course work.
- Hands-on technical writing.
- Experiencing real world evaluation of software and research of new technologies.
- Learn how the federal court functions and how IT supports the mission of the Court.
- Learn end user troubleshooting and support.
- Expanded networking opportunities with experienced IT professionals.

**QUALIFICATIONS**
- Candidates are currently enrolled in an IT degree or certification program.
- Candidates are seeking a career in information technology or related field.
- Candidates possess a strong familiarity in a wide variety of technology devices such as iPads and tablets as well as applications associated with such devices.
- Candidates possess a teachable attitude.
- Candidates work well in a team setting and have a high regard for others.
- Candidates are internally motivated and willing to take initiative.
- Candidates possess the ability to communicate technological information in simple terms.
- Candidates are willing to work on a wide range of tasks, whether or not they are directly related to a particular specialty.

**TERMS OF INTERNSHIP**
- Start, end, length and weekly schedule of the internship is flexible based on needs of each student.
- Interns must be US citizens or in the United States under an active visa that allows the student to not only attend school but also work in the United States.
- All interns will undergo background investigations and must provide fingerprints on a USDC approved fingerprint card.
- Interns must adhere to the same conduct and behavior standards applicable to all employees of the Court. Details regarding conduct and expectations will be discussed at the beginning of the internship.
- Interns are protected under the Court's workers’ compensation program.

**HOW TO APPLY**
Apply Online [www.surveymonkey.com/s/USDistrictCourtITInternship](http://www.surveymonkey.com/s/USDistrictCourtITInternship)

Candidates who will be interviewed must bring a letter of recommendation from at least one professor within the IT degree or certification program in which the candidate is currently enrolled.
WORKPLACE PLANNING, RECRUITMENT & SELECTION

Positioning Vacancies in the Marketplace

1. Target Your Advertising
2. Newspapers and Online Classifieds
3. Executive Level Positions
4. Courts With A Multi-Cultural Customer Base
5. Volunteer Opportunities
6. Internal Job Announcements
7. Job Analysis (Task Analysis) and Job Description
8. Writing Effective Job Descriptions
Competency-Based/Behavioral Interviewing

Example of a situation question:

“Describe a situation where you had difficulty communicating with a customer because of a language barrier or a disability. Take us step by step through the interaction with the customer.”

Sample interview questions...can you think of any others?
Competency-Based/Behavioral Interviewing

Use a structured format...
Competency-Based/Behavioral Interviewing

The Interview Panel

Legal vs Illegal Questions

Interviewing and Disparate Treatment

Selecting: Background and Reference Checks

The Job Offer
What is Motivation?

According to Frederick Herzberg, employees expect pleasant and comfortable working conditions, adequate pay, job security, good relationships with co-workers and effective supervision.

*Based on Abraham Maslow’s Theory of Needs and Frederick Herzberg’s Motivator-Hygiene Theory*
What is Motivation?
Why do people go to work?

BRAINSTORM
Why do people go to work?
MOTIVATION AND RETENTION

POOR LEADERSHIP
GOOD LEADERSHIP

MOTIVATION AND RETENTION
“Employee satisfaction is a function of the total work experience, including [good leadership], compensation, benefits, safety, job security, advancement opportunities, etc.” (©The Paul Hertz Group)
MOTIVATION AND RETENTION

Three Keys to Remember
MOTIVATION AND RETENTION

What You Can Do?

The Six Leadership Actions™
© The Paul Hertz Group
Recognition and Awards Programs
Consider...

- Informal
- Formal
- Generations
- New Hires vs Seasoned Staff
- Create a Culture of Inclusion and Learning
Recognition and Awards Programs

Developing an Effective Outstanding Employee Awards & Recognition Program
Recognition and Awards Programs

Sample Step by Step Ideas

✓ Target your audience
✓ Choose the goal(s)
✓ Build a budget
✓ Develop criteria
✓ Choose awards
✓ Communicate the program
✓ Present the awards celebration
✓ Evaluate the program