

Leaders' Alert

*A newsletter for Executives, Managers, and Management Officials
of the Farm and Foreign Agricultural Services*

Published by FSA Human Resources Division

HOW TO SPEAK TO AN EMPLOYEE EXHIBITING SIGNS OF DISTRESS: KEY POINTS

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INTRODUCTION

Problems in the workplace can often be prevented by supervisors and managers timely and appropriately responding to signs that an employee is experiencing distress in the workplace resulting from personal or work related problems. Out of care and concern, many well-intentioned supervisors and managers have responded by making spontaneous inquiries and/or articulating observations they believed would be helpful to the employee. Subsequently, they were disappointed – or even shocked – to learn that their intervention elicited a negative employee reaction and/or opened the door to a Civil Rights complaint. This article presents a model for how to appropriately conduct these sensitive discussions with employees and pitfalls to avoid. (More guidance can be obtained by contacting the WVP&R Program at 202-401-0641.)

Part I: Model for speaking to an employee exhibiting signs of distress

- 1) **Speak to the employee in private.** In some instances, it may be appropriate to keep your door open, but the conversation should be inaudible to those outside your office. Special circumstances may call for you to speak to an employee with another management official present.

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or fax to **816-926-1825**, Attention: Editor, Leaders' Alert



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Part I: Model for speaking to an employee exhibiting signs of distress (continued)

- 2) **Let the employee self-identify the source of his/her distress.** When an employee makes statements such as “I feel I’m losing it!” OR “Now I understand why some people go postal!” you need to get some idea whether the employee poses a safety risk to him/herself or to others. Rather than probing the employee with deeply personal questions, simply say, “Tell me more about that,” “What do you mean by that?” “Help me understand why you feel that way” “Help me understand what has led to this.”
- 3) **Mirror back observable conduct.** Using non-accusatory, non-judgmental language, contrast the employee’s usual or past conduct to his/her recent conduct. For example, “I have observed that you usually react positively to my feedback and guidance concerning your work. This morning when I attempted to discuss your draft report, I observed that you suddenly stood up and said to me, words to the effect: ‘I don’t care about my report! Nothing matters to me anymore!’ Then you suddenly left my office. I’m very concerned about you.” This type of approach will enable the employee to better grasp the change(s) in behavior you observe in him/her. **Remember to discuss “observable conduct” only.**
- 4) **Express concern.** Simply state, “I am very concerned about you,” OR “I’m very worried about you.”
- 5) **Offer assistance as a representative of the Agency.** Instead of using the pronoun “I,” state, “Is there anything we can do to help you?” Using the pronoun “I” may open the door to requests for special consideration you are not authorized to grant.
- 6) **Do not give personal advice.** It is inappropriate for a supervisor or manager to advise an employee regarding medical or personal legal issues. Do not suggest or recommend medical treatment or such actions as a legal separation, divorce, obtaining a restraining order, etc.
- 7) **Talk about the Employee Assistance Program (EAP).** Use neutral language such as, “You know, EAP is a confidential service that’s available to all employees. You can consult with EAP about this matter.” OR “EAP can help you explore strategies for dealing with your situation.” [or “for dealing with your concerns”] Avoid using the following words: “counseling,” “mental,” “emotional,” and “problem.” Depending on the individual, these words can trigger strong emotions.

Part II: Pitfalls to avoid

- 1) **Do not attempt to diagnose an employee.** Avoid language that infers a relationship between the employee’s conduct and a mental or emotional illness, for example: “You’re acting very strange lately. Have you gone off your Lithium” OR “Do you have a history of depression? You seem very depressed to me. They have more effective medications now for treating depression.” If the employee is exhibiting behavior that leads you to suspect that a mental or physical illness is a factor in the employee’s behavior, and/or that the employee’s safety – or that of others – is at risk, assistance is available to you through the WVP&R Program at 202-401-0641.



Signs of Distress: Part II: Pitfalls to avoid (continued)

- 2) **Do not go on a fishing expedition.** Do not probe an employee with deeply personal questions, such as, "Are you getting a divorce?" OR "Are you having an affair with Jennifer? I notice the two of you always sit together at district meetings and have lunch alone afterwards." OR "Are you pregnant again?"
- 3) **Do not tell an employee he or she has a "bad attitude."** Avoid using the term "bad attitude" while discussing an employee's conduct or performance. This term is accusatory in nature and conveys a negative assumption about the employee's motives and/or actions that can generate defensiveness and conflict. When discussing a conduct issue, only discuss "observable conduct." Avoid describing conduct with "loaded" adjectives such as "belligerent," "insensitive," "inconsiderate." Discuss conduct in terms of being "inappropriate," "non-businesslike," "disruptive to office operations," generating "fear" or "conflict." When discussing performance, use neutral terms. Discuss "priorities," "status of assignments," "timeliness of assignments," "expectations."

NOTE: If an employee self discloses or you observe that an employee may be a victim of domestic violence, the WVP&R Program, at 401-0641, can assist you in obtaining assistance for the employee.

Enhancing Leadership Competencies

Brian Marincic, Human Resources Specialist
Leadership and Employee Development Branch

In May 2010, the U.S. Merit Systems Protection Board (MSPB) submitted its report, [*A Call to Action: Improving First-Level Supervision of Federal Employees*](#), to the President and Congress. The Executive Summary of the report provides "that many supervisors continue to demonstrate levels of supervisory skill substantially lower than what is needed to effectively engage employees and manage their performance."

The U.S. Office of Personnel Management (OPM) has established [five Executive Core Qualifications \(ECQs\)](#) that define the competencies needed to build a Federal corporate culture that drives results, serves customers, and builds successful teams and coalitions within and outside the organization. The [22 ECQ competencies](#) and [six additional fundamental competencies](#), required for entry to the Senior Executive Service, are used by many departments and agencies in selection, performance management, and leadership development for management and executive positions.

As one of the 28 competencies, ~ *Accountability* ~ is particularly relevant at this time given the findings of the MSPB report which coincides with the ending of the current performance year. OPM defines accountability as follows: Holds self and others accountable for measurable high-quality, timely, and cost-effective results. Determines objectives, sets priorities, and delegates work. Accepts responsibility for mistakes. Complies with established control systems and rules.

Supervisory tasks related to this competency include:

- Assigning and prioritizing work
- Delegating authority and discretion to carry out work
- Reviewing work products
- Evaluating and providing feedback on employee's performance
- Monitoring programs, [projects, or operations and making adjustments as needed
- Ensuring compliance with rules, regulations, or laws affecting programs.



Enhancing Leadership Competencies (continued)

The [Manager's Excellence Resource Center \(MERC\)](#), announced in the August issue of *Leader's Alert*, a variety of resources designed to improve or enhance skills associated with accountability. These resources include:

- A Quick Guide, [Establishing Healthy Employee Relationships](#), which provides tips and tools to help you build or strengthen the relationships you share with your employees.
- Advice from peers regarding "[How do you deliver feedback on performance weaknesses in a way that neither ruins your employees' motivation nor damages your working relationship?](#)"
- A "[Performance Review Preparation](#)" checklist with nine activities designed to serve as a starting point as you seek to lead a constructive and productive discussion of your employee's performance and any follow up steps.

Note: The above hyperlinks will take employees who have not yet registered in MERC to the login screen. Login directions are included in the August issue of *Leader's Alert*.) may want to include log in instruction somewhere at the end of this document. A number of training opportunities pertaining to accountability are also available in AgLearn, including:

- A three minute QuickTalk with Scott Elbin, *The Next Level: Pick Up Accountability for many results, Let Go of Responsibility for Few Results*, which focuses on the difference between accountability and responsibility.

Diane Arthur's book, *The First-Time Manager's Guide to Performance Appraisals*, which includes chapters on the Golden Rules of performance Appraisals and Preparing to Conduct Appraisals on Former Coworkers.

To access the MERC System:

- Go to: www.merc.executiveboard.com

Note: the MERC is also accessible via the HRD Intranet site at:

<http://fsaintranet.sc.egov.usda.gov/ffas/hrd/default.htm>

- Under **Getting Started**, click on "[Get a Username and Password](#)"
This link will prompt you to fill out a short form to establish membership.
Please make sure to use your business email address. This will be your user name.
Note: All FFAS Employees should select "Farm Service Agency"
- Check "Remember me" to directly log into the site for future visits
- Once you have completed this form, please click submit



Performance Management Timeline

David Simmons, Human Resources Specialist
Employee/Labor Relations and Benefits Branch

As we are nearing the end of the FY10 Performance Rating Period please keep the following deadlines in mind as you are preparing your FY10 Performance Ratings and your FY11 Performance Work Plans.

September 30, 2010	End of FY10 Performance Rating Period
October 1, 2010	Beginning of FY11 Performance Rating Period
October 30, 2010	FY10 Performance Ratings Due and FY11 Performance Work Plans Issued
October 31, 2010	EmpowHR processing should be completed for both FY10 Ratings and FY11 Performance Work Plans
March 2011 – April 2011	FY11 Mid Year Progress Review
30 Days After Mid Year Progress Rev.	Documentation of Mid Year Progress Review entered into EmpowHR
September 30, 2011	End of FY11 Performance Rating Period

NOTE: Employees must be on a Performance Work Plan for 90 days in order to rate. If employee has not been on PWP for 90 days by the end of the rating period, extend rating period until end of 90-day period. Rating is then due 30 days after the end of the extended rating period. A new PWP must also be issued within 30 days of the beginning of the new rating period, which is the day following the end of the extended rating period.

Steps in Performance Rating

1. Obtain interim assessments from employee's prior supervisors or detail supervisors.
2. Obtain documentation to support rating
3. If any critical element is considered to be "Unacceptable," review with servicing ELR Specialist
4. Rating Official reviews with Reviewing Official
5. Rating Official enters appropriate rating information in EmpowHR.
6. Rating Official sends rating information to Reviewing Official in EmpowHR
7. Once Reviewing Official concurs in EmpowHR, rating is automatically sent to Employee
8. Rating Official reviews with employee
9. Employee is to check "Employee Viewed/Discussed Rating" in EmpowHR



Frequently Asked Performance Questions

1. When should mid-year progress reviews be provided if an employee has not been on a performance plan for the entire performance year?

The performance year is from October 1 through September 30. Mid-year progress reviews are to facilitate communication between a supervisor and an employee about the employee's performance so the employee can remedy any performance concerns before the end of the performance year. When performance plans do not cover the entire performance year, conducting a progress review around the mid-point between the beginning of the performance plan and the end of the performance year will allow the employee to remedy any performance concerns before the end of the performance year.

2. What if an employee has not been on a performance work plan for 90 days prior to the end of the rating period?

The rating period can be extended beyond the end of the performance year until the employee has been on the performance work plan for 90 days. The employee can then be rated for the 90 days. A new performance plan would then be issued at the end of the extended rating period until the end of the current performance year.

3. What if an employee has not been issued a performance work plan?

The employee cannot be rated. Previous supervisors are to provide an interim assessment to the supervisor of record. The supervisor of record is the supervisor at the end of the rating period. The supervisor of record is to consider the interim assessment when developing the employee's annual rating of record. Interim assessments do not need to be on any particular form, nor entered in EmpowHR, but should be recorded in writing and supported by appropriate documentation.

4. How do I rate an employee whom I have not supervised for the entire performance year?

Previous supervisors are to provide an interim assessment to the supervisor of record. The supervisor of record is the supervisor at the end of the rating period. The supervisor of record is to consider the interim assessment when developing the employee's annual rating of record. Interim assessments do not need to be on any particular form, nor entered in EmpowHR, but should be recorded in writing and supported by appropriate documentation.

5. What if an employee has been on a performance work plan for 90 days but the current supervisor has not supervised the employee for 90 days and the previous supervisor did.

The current supervisor should seek input from the employee's second line supervisor.

Administrative Dispute Resolution Act

Shari Welker, Human Resources Specialist
Administrative Hearing and Conflict Management Staff

Did you know that in 1996, Congress enacted the Administrative Dispute Resolution Act to provide federal employees with an inexpensive, fast and less formal process to work out their disputes/conflicts in a way that results in more “creative, efficient, and sensible outcomes?”

The primary reason for the act was to create and promote alternative means to resolve disputes/conflicts which is referred to as Alternative Dispute Resolution (ADR). The creation of an ADR Program was an alternative to the more costly and time-consuming litigation which imposes an outcome on the employees and/or agency.

ADR's principles are simple; voluntary, informal, and confidential. Combining these principles with a variety of techniques, and with the assistance of a third party neutral, ADR helps employees (employees, supervisors and managers) resolve their own disputes/conflicts in a timely, productive and non-adversarial way.

For FSA and RMA employees, ADR services are offered through the *Dialogue at Work* ADR Program. The *Dialogue at Work* ADR Program's primary focus is on *Early Intervention* into workplace disputes. *Early Intervention* is critical because it helps to resolve conflicts before positions harden and the working relationship is damaged. By addressing the underlined causes early, workable solutions remain viable to the employees. Since the employees create their own solutions, it increases their satisfaction with the outcome and, more importantly, increases their commitment to the solution.

Early Intervention can be effective in resolving issues before they become complainants or grievances. Please note that the *Dialogue at Work* ADR Program serves as an alternative, not a replacement for, the formal systems of redress offered to employees, Equal Employment Opportunity (EEO) complaints; administrative grievances; and negotiated grievances.

The ADR process is simple to initiate. Any employee who is involved in a conflict and would like the assistance of a third party neutral should contact the *Dialogue at Work* ADR Program. An ADR Specialist consulting with the employees will customize the conflict intervention to his/her specific situation. The most commonly used ADR techniques are mediation, facilitation, conciliation and group dynamic problem solving. These techniques are used separately or together, depending upon the situation.

Mediation is a collaborative dispute resolution process. A mediator, who has no decision making authority and no interest in the outcome, facilitates the discussion between the participants to help them discover the underlying issues and explore mutually acceptable resolutions.

Facilitation is a process where a third party neutral who has no decision making authority, works with the participants at a meeting to improve the flow of communication. This process helps to identify and solve problems to increase the group's effectiveness.

Conciliation is a process where a third party neutral communicates separately with each person to identify and prioritize common concerns. This communication pattern continues to help identify potential resolution options until a mutual resolution is reached. This process is also referred to as “shuttle diplomacy.”



Group Dynamic Problem Solving is a group intervention where a third party neutral helps a group of three or more participants identify and examine the root causes of problems within the group. When this phase is completed, the neutral helps the group develop solutions that address these causes and problems.

For more information about the *Dialogue at Work* ADR Program, please contact Shari Welker at (202) 401-0643 or Pat Lowe at (202) 401-0620.

