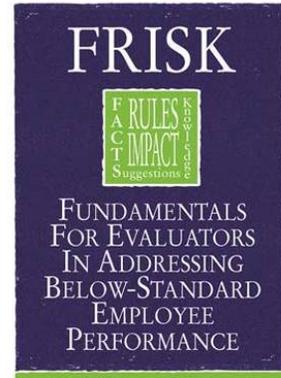




Learn **Key Skills** to  
Transform You from  
Supervisor to **Leader**

**FRISK<sup>®</sup>**  
**Documentation Model:**  
**Preparing Effective**  
**Documentation Regarding**  
**Employee Substandard**  
**Performance or Conduct**



Steven J. Andelson, J.D.  
Atkinson, Andelson, Loya, Ruud & Romo

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**WACUBO Business Management Institute**  
**August 3, 2022 8:30 a.m. to 10:00 a.m.**

**Presented by:**

**Barbara J. Ginsberg, Senior Partner**

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A Professional Law Corporation

## Barbara J. Ginsberg

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### Practice Areas and Experience

Barbara J. Ginsberg represents school and community college districts, and public agencies in all aspects of labor and employment matters and education law. She serves as chief negotiator for agencies in collective bargaining with certificated, classified, and police/safety units, and is experienced in both traditional and interest-based bargaining methods. In addition, Ms. Ginsberg has more than 28 years of experience investigating charges of harassment and discrimination as well as uniform complaints. She is a member of the firm's Title IX and Clery Act groups. Other areas of Ms. Ginsberg's practice include: classified and certificated employee evaluation and discipline (merit and non-merit); statutory and negotiated leave issues; police and safety matters, including POBOR issues; certificated and classified reductions in force; disability accommodation issues; student and employee privacy, search and seizure, and other constitutional issues; drafting board/agency policies; hiring practices; PERB, EEOC, DFEH, OCR, OAH, and personnel commission matters; and federal and state civil litigation.

Prior to joining AALRR in 2008, Ms. Ginsberg spent seven years as a legal advocate for public and private employee unions, including the Association of Orange County Deputy Sheriffs, Riverside Sheriffs Association, Orange County Firefighters Association, Santa Ana Firefighters, and the San Bernardino Public Employees Association; and eight years as an advocate for school and community college districts. She also served as Deputy City Attorney for the City of Victorville, and as a teacher in elementary, middle school, and high school settings.

### Events & Speaking Engagements

Ms. Ginsberg is a popular and highly requested speaker and regularly provides training throughout the nation on a variety of subjects of interest to K-12 school districts, community colleges, universities, cities, counties, governing boards, management teams, administrators, police and safety personnel, supervisors, and staff. In addition to addressing subjects that impact the workplace, the educational

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### INDUSTRIES

Educational & Public Agencies

### EDUCATION

J.D., Thomas Jefferson School of Law  
B.A., English  
University of California, Irvine  
United States Naval Academy

### ADMISSIONS

1995, California  
U.S. District Courts, Central and  
Southern Districts of California

### PRACTICE AREAS

Contract Enforcement & Collective  
Bargaining  
Education  
Investigations  
Labor & Employment  
Litigation  
Professional Development Training

## Barbara J. Ginsberg

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setting, and collective bargaining, Ms. Ginsberg provides training on the FRISK model for preparing effective documentation regarding employee substandard performance or conduct; leadership and communication skills; conducting investigations in the educational and workplace environments; conflict resolution; Brown Act compliance, and state-mandated sexual harassment training. She regularly lectures at conferences for local, statewide, and national organizations such as AASPA, ACCCA, ACSA, ACHRO, CAAASA, CABE, CALSA, CCLC, CCUPCA, CPCA, CSBA, NSBA, and WACUBO. She is also a regular instructor at various personnel and administrator academies throughout the state, and a guest lecturer at local universities.

Upcoming conferences and speaking events include:

### **Leadership Series with Barbara Ginsberg – Statewide (virtual)**

- Communicating with Difficult People and Influencing Change
- Managing & Addressing Conflicts Between Employees in the Workplace
- Effective Evaluations and Evaluation Meetings
- Preparing, Delivering, and Monitoring Employee Improvement Plans
- Team Building Tips That Will Help You Transform Your Work Site
- From Supervisor to Leader: Responsibilities, Repairing Relationships, and Infusing the Practice of Civility in the Workplace
- Troubleshooting Leadership: How to Lead Notwithstanding Challenging People and How to Lead in Challenging Circumstances

### **K-12 Performance Management Series (Statewide & Single Districts – virtual)**

### **CCD Performance Management Series (Statewide & Single Districts – virtual)**

#### **101 Series**

- Negotiations & Contract Administration 101 for Administrators
- Addressing Conflicts Between Employees in the Workplace
- Conducting Legally Compliant Workplace Investigations
- Preparing and Delivering Effective Evaluations
- Introduction to the FRISK<sup>®</sup> Documentation Method

#### **102 Series**

- Preparing for the First Negotiation Session
- Managing and Understanding Millennials in the Workforce
- Professionalism in the Education Environment: When Employees Cross Professional Boundaries
- Employee Speech: Guidelines on Restrictions to Maintain the Integrity of the Workplace while Protecting Employee Rights
- Advanced FRISK<sup>®</sup>

### **2022-2023 AALRR Central Coast Professional Development Consortium**

- Sexual Harassment/Abusive Conduct Prevention Training
- An Administrator's Guide to Investigations Involving Students
- Best Practices for Hiring, Recruiting, and Maintaining a Diverse Workforce
- Leading and Building Worksite Culture & Managing Your Team in Challenging Times
- Safety and Threat Assessments & Proactively Managing Workplace and Student Behaviors
- Best Post-Pandemic Practices Regarding Accommodating Employees and Managing Remote Work

## Barbara J. Ginsberg

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### **FRISK® Documentation Model for K-12 LEAs & Private Schools (State/National)** **FRISK® Documentation Model for Community College Districts (State/National)**

- Preparing and Delivering Effective Documentation Regarding Employee Substandard Performance or Conduct
- Techniques for Effective Communication with Employees About the FRISK® Document & Influencing Employee Improvement
- Advanced FRISK®: Focus on Scenarios and Writing Techniques

### **Cultural Competence & Sensitivity Institute – Statewide (virtual)**

#### **101 Series**

- Cultural Sensitivity in the Workplace
- Understanding and Managing Implicit Bias, Gaslighting, and Racelighting
- Managing & Addressing Conflicts Between Employees in the Workplace

#### **102 Series**

- Implementing Employment Practices that Support Cultural Competence in the Workplace
- Conducting Investigations and Addressing Complaints with a Culturally Sensitive Lens
- Best Practices for recruiting, Hiring, and retaining a Diverse Workforce

### **Additional Topics for Individual School Districts, Community College Districts, Charter Schools and Private Schools**

- Nurturing the Superintendent-Board Member Relationship
- Creating a Satisfying and Equitable Work Environment
- Exercising Gratitude in the Classroom and Workplace
- Building, Maintaining and Repairing Relationships of Trust in the Workplace
- Leading and Building School Culture
- Leading During Challenging Times
- Techniques for Becoming a Stronger, More Effective Negotiator
- Secrets to Getting Stuff Done
- Infusing the Practice of Civility and Mutual Respect in the Workplace
- Professionalism and Excellence in the Workplace
- Accommodating Employee Disabilities
- Tips for Conducting Better Workplace Investigations
- Sexual Harassment and Abusive Conduct Prevention Training
- Identifying and Responding to Employee Use of Drugs and Alcohol
- Managing Employee Leaves of Absence
- Mandated Reporter Training Regarding Child Abuse and Neglect
- Understanding the Brown Act
- Good Language, Bad Language: Rules for Drafting Contract Language
- Repairing Relationships of Trust and Team Building Tips for Executive Assistants

### **Community & Professional**

- California Bar Association, Labor & Employment Law Section, Member
- California Council of School Attorneys, Member
- Cerritos College Foundation, Past President and Member
- Pacific Symphony Volunteer and Back Stage Guide



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## Coming Up

- **FRISK®** and Its Framework – Why We Need It
- Uncovering Each **F – R – I – S – K** Element
- Progressive Intervention



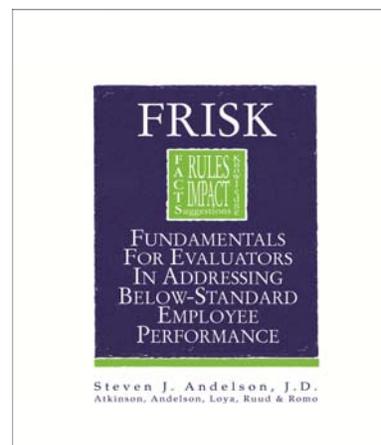
## What is FRISK® ?

- **FRISK®** is a documentation model
  - **FRISK®** is an acronym used to ensure all the components needed to create a legally sufficient document for addressing an employee's below-standard performance are included in the document
- **FRISK®** is a communication tool
- **FRISK®** is more than just the document itself



## The FRISK® Framework: The Manual

- A **FRISK®** approach includes these fundamentals:
- Key Feedback Components contained in a written document (Chaps. 3-7)
    - Each **F – R – I – S – K** Element
  - Progressive Intervention (Chap. 8)
  - Framing the **FRISK®** Message (Chaps. 9-10)
    - Delivering a FRISK document in a manner best designed to influence a change in the employee
  - Strategic Planning (Chapter 10)
  - Templates (Chap. 11)



### WHY DO WE NEED TO FRISK®?

- Little or no documentation of poor performance or misconduct in the personnel file
- Lack of evidence of previous discipline
- Failure to accurately describe performance problems on evaluations
- Failure to describe specific expectations
- Failure to specify remediation plan and track follow through
- Lack of actual notice to employee of the precise problem and that future similar behavior/performance of a like kind could lead to disciplinary action
- Lack of uniformity in handling employee performance and/or misconduct issues

### GOALS of FRISK®

- Effect positive change in employee and **improve employee performance** through direct, honest, **timely**, constructive communication [objective & fact-based] of **key feedback elements**
- **Preservation of facts** [accurate & thorough]
- **Legally sufficient** written evidence to meet burden of proof [preponderance of evidence]
- Provide consistency in documentation [**common institutional language**]
- Provide employee **accountability** while respecting **individual dignity**

## Means for Recording Performance

- Common Types of Performance Records
  - Conference Memos
  - Written Warnings
  - Written Reprimands
  - Formal Evaluations
  - Due Process Notices (Such as Those Required Before Certain Certificated Discipline)
  - Suspension, Demotion, Dismissal Documents



## What Does FRISK® Mean?

Dear Mary:

**F** \_\_\_\_\_  
**R** \_\_\_\_\_  
**I** \_\_\_\_\_  
**S** \_\_\_\_\_  
**K** \_\_\_\_\_

Sincerely,  
*Alice Mann-Edger*

- Components:
  - **FRISK**
- Structure of letter:
  - 5 paragraphs
- Self-contained
- Direct, professional, not sugar-coated, and complete

### FRISK® Elements

<b>F</b>	<b>FACTS</b> (What Happened)
<b>R</b>	<b>RULE</b> (What Rule Was Violated)
<b>I</b>	<b>IMPACT</b> (What Was The Effect)
<b>S</b>	<b>SUGGESTIONS/DIRECTIVES</b> (What Needs To Improve Or Be Corrected)
<b>K</b>	<b>KNOWLEDGE</b> (Right to Respond)

aalrr FRISK® Manual pgs. 2-3, and 9 8

### Elements of a FRISK® Document

<b>F</b>	<b>FACTS</b>
<b>R</b>	<b>RULE</b>
<b>I</b>	<b>IMPACT</b>
<b>S</b>	<b>SUGGESTIONS/DIRECTIVES</b>
<b>K</b>	<b>KNOWLEDGE</b>

aalrr FRISK® Manual Chapter 3, pgs. 11-27 9

## 1 FACTS

### WHAT DID THE EMPLOYEE DO or NOT DO?

In narrative form, separately pinpoint each deficient act

Describe in specific, complete, and explicit detail

- Employee must clearly understand the issue
- Reinforces credibility of supervisor
- Reduces future memory problems
- Make sure facts are credible, correct, and objective
- Supplement conclusory statements with specific examples
- Attach visual/documentary evidence where applicable
- Provide atmospheric details – who, where, when, what, [how/why]
  - Apply the third party test

## Just the FACTS

### When?:

On \_\_\_\_\_ 2022, . . .

### Who?:

I saw and heard you . . .

### Where?:

. . . at the front reception  
desk . . .

### What? How?

. . . yelling at Amy Smith, a prospective student, making her cry. In front of other members of the public, you told her she would not qualify for a BOG waiver because she was “too dumb to understand how to apply for it” and to “stop wasting [your] time.” I was three windows down, assisting another clerk, and had to excuse myself to intervene at your window. I had to ask you to step away from your window so that you could regain a professional demeanor.

## Facts

### Bad Language Example

“The phone message you took down and left for Ms. Davis on June 16, 2022 was incomplete.”

## Facts

### Good Language Example

“The phone message you took down and left for Ms. Davis on June 16, 2022 was incomplete because the date, time, and the caller’s last name were not included.”

## Facts

### Bad Language Example:

“You are frequently late to staff meetings.”

## Facts

### Good Language Example

“You are frequently late to staff meetings. Between October 4, 2021 and January 7, 2022, you were late to staff meetings on October 7 (10 minutes); October 21 (5 minutes); November 4 (15 minutes) November 18 (10 minutes), December 2 (8 minutes), December 9 (5 minutes), and January 6, 2022 (15 minutes).”

## Facts

### Good Language Example

#### ADDING VISUAL EVIDENCE:

- You prepared and posted an unsatisfactorily edited staff memo. Attached is the **notice** you prepared on January 5, 2022 which shows the following spelling and grammatical errors: “callendar,” “priviledge” and “ ... will have they’re electronic devices removed,”
- After completing repairs on January 17, 2022 you left the room in a hazardous condition. **Attached are photographs** of the exposed wires you failed to cover, the paint spill you failed to clean up, and the uncapped bottle of paint thinner you left on a chair in Room B, taken by me on January 18, 2022 at 9:00 a.m.

## WRITING EXERCISE - SCENARIO

You are a classified manager. On May 20, 2022, a Technician reported to you that when he passed by Ms. Smith’s (his co-worker’s) desk at 9:10 a.m., he saw that Ms. Smith had the Amazon site open on her computer screen and appeared to be shopping. He knocked on the cubicle entry to get her attention and she curtly told him, “Get the hell out of here! I don’t have time for you dumb questions today. Whatever you’re gonna ask me, just go figure it out yourself.” The Technician also reported that for the previous two weeks, whenever he had a question for Ms. Smith about one of the accounts, either he would not be able to locate her at her desk, or she would be at her desk talking on her cell phone for long periods of time and he would have to wait for her to get off the phone before he could ask his question. He suspected she was on personal calls during these times because, from his own cubicle, he would often hear her laughing and gossiping. On one occasion he overheard Ms. Smith talking about her plans for the weekend and her intent for it to be a “romantic” getaway. The Technician told you he was concerned because there is certain work he cannot get done each day without first getting clarification from Ms. Smith. He said it is hard to collaborate with Ms. Smith when she is often not around or is unavailable. He also felt she treated him rudely and he was scared to interrupt her.

## WRITING EXERCISE - DISCUSSION

DISCUSSION – FOCUS ON FACTS

aa/rr 18

## Elements of a FRISK® Document

F	→	FACTS
R	→	<b>RULE</b>
I	→	IMPACT
S	→	SUGGESTIONS/DIRECTIVES
K	→	KNOWLEDGE

aa/rr FRISK® Manual Chapter 4, pgs. 29-43 19

## 2 RULE

### WHAT SHOULD THE EMPLOYEE HAVE DONE?

The “**RULE**” is the standard, authority, direction, mandate, or expectation that the employee is required to follow

- To be a **RULE**, it must be reasonable/related to orderly work operations, clearly understandable, uniformly applied to employees, and previously communicated
- Examples of sources for rules include, but are not limited to:
  - Board Policies and Administrative Regulations
  - Collective Bargaining Agreement Provisions
  - Job Descriptions
  - Employee Handbook
  - Prior documents
  - Administrative/Prior directives
  - Legal requirements (fed/state/local law)

## Rule

**Problem:** Employee fails to timely report absence

### Good Language Example

“Your conduct is in violation of Article III.B of the Collective Bargaining Agreement which provides that ‘all absences must be reported to the College’s substitute system no later than 6:30 a.m. on the morning of the absence.’ You previously violated this rule on October 13, 2021 and November 15, 2021.”

## WRITING EXERCISE - SCENARIO

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## WRITING EXERCISE - DISCUSSION

DISCUSSION – FOCUS ON RULE

## Elements of a FRISK® Document



### 3 IMPACT

#### WHAT HARM WAS DONE?

The **Impact** is the connection between the employee's deficient conduct/performance and the resulting negative effect or foreseeable negative effect on the College's operations, students, employees, parents, property, or professional image

- Purpose:
  - Substantiate the seriousness of the employee's deficient conduct to someone who may not understand the true impact
  - Tell who/what was impacted and how
  - Consider the degree of public notoriety
  - Motivate the employee to change

## LOOKING FOR “IMPACT”

Did the employee’s behavior:

- ✓ Cause a shift of duties to another employee?
- ✓ Disrupt/delay the completion of work?
- ✓ Destroy/damage property?
- ✓ Increase community/student complaints?
- ✓ Hurt a student’s learning environment?
- ✓ Cause lack of continuity in an educational program?
- ✓ Cause lack of coordination/team building with other employees?
- ✓ Impact effective interaction with others or impact team?
- ✓ Impair ability to command respect/trust/confidence of students/co-workers?
- ✓ Cause employment of a substitute or other increased costs (O/T)?
- ✓ Cause exposure to personal injury or College liability?
- ✓ Negatively impact employee morale?
- ✓ Bring adverse notoriety to the College?

## LOOK AT THE BIG PICTURE FOR “IMPACT”

Show impact on:



## LOOK AT THE BIG PICTURE FOR “IMPACT”

Show impact on:

<b>Employee’s Professional Image</b>	➔	<ul style="list-style-type: none"><li>• Adverse notoriety that impairs the employee’s ability to perform essential responsibilities</li></ul>
<b>College Employees</b>	➔	<ul style="list-style-type: none"><li>• Negative impact on co-workers, administrators, other staff</li></ul>
<b>People Served by the College</b>	➔	<ul style="list-style-type: none"><li>• Negative impact on students, parents, community members</li></ul>
<b>College’s Business Interests</b>	➔	<ul style="list-style-type: none"><li>• Negative impact on entities doing business with the College; adverse notoriety that impairs College contracts with vendors, businesses, or agencies</li></ul>

aa/rr FRISK® Manual, Chapter 5, pg. 46 28

## Impact

### Why Describe the Harm that Was Done?

- 1 Shows the **connection** between the unsatisfactory conduct or performance to the job
- 2 Shows the seriousness of the employee’s conduct by including the overall **context** of the deficient performance
- 3 **Motivates** the employee to change by sharing the evaluator’s perception of the effect of the employee’s behavior on the workplace
- 4 **Advocates** for those who are impacted to explain why the conduct must cease or why it must be changed

aa/rr FRISK® Manual, Chapter 5, pg. 45 29

## IMPACT

### EXAMPLE #1

“Leaving a five-gallon container of ammonia open in your work closet caused fumes to be released into the adjacent hallway and circulated through the HVAC system, which resulted in several employees becoming ill and having to leave work to receive medical treatment, and exposing the College to liability. In addition, the College had to obtain substitutes for each of the absent employees for two days due to their continued illness.”

## IMPACT

### EXAMPLE #2

“Your failure to operate the campus golf cart in a safe manner resulted in you crashing into a pole on the main campus walkway, damaging the vehicle and the pole, and resulting in costly repairs. In addition, a student and an employee who were walking were each injured, thereby exposing the College to liability. Further, the College had one less vehicle with which to transport disabled students across campus during the period the vehicle was being repaired.”

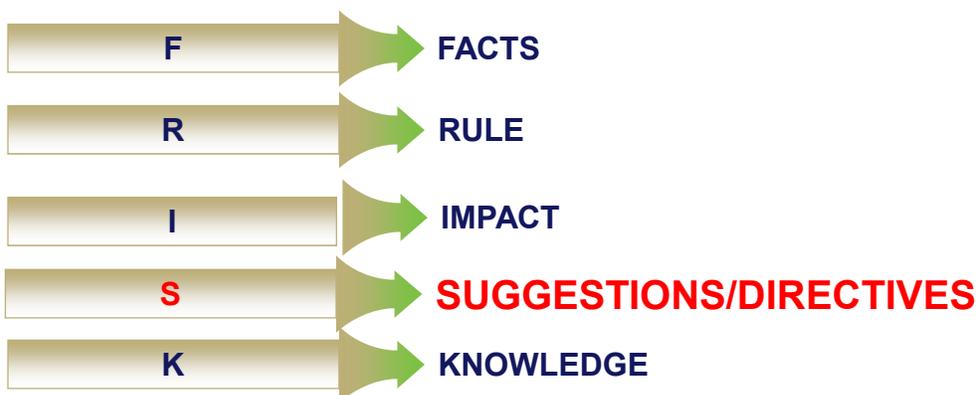
## WRITING EXERCISE - SCENARIO

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## WRITING EXERCISE- DISCUSSION

DISCUSSION – FOCUS ON IMPACT

## Elements of a FRISK® Document



4

## SUGGESTIONS/DIRECTIVES

### WHAT SHOULD THE EMPLOYEE DO NOW?

Provide suggestions & directives as to how to improve so the employee may meet expectations

- Goal is to remediate employee
- Specify proper conduct & level of performance expectations
  - Be clear, specific, and unequivocal (directive language)
  - Include reasonable timelines for improvement and/or when certain things need to be accomplished
  - Expectations must be reasonable & attainable
- Offer suggestions/recommendations/resources to assist e'ee
- Include consequences for non-compliance & catch-all phrase

## SUGGESTIONS MUST BE WRITTEN AS DIRECTIVES

1. Use a timeline: “Effective immediately ....”  
“Effective January 26, 2022, ...”
2. Use a command verb:
  - ✓ “You are directed to...”
  - ✓ “You must ...”
  - ✓ “I expect you to ...”
  - ✓ “You are required to \_\_\_\_\_ by \_\_\_\_\_.”
  - ✓ “You are to refrain from ...”
3. Then fill in with clear descriptions/specifics and add samples/resource documents where appropriate
4. Insert consequence and catch-all phrases

## CONSIDER YOUR RESPONSIBILITIES AS A SUPERVISOR

- ✓ What can you do to help the employee improve and incorporate such items into the SUGGESTIONS:
- ✓ Demonstrate good faith effort to help employee and give employee ideas
- ✓ You have a legal obligation to assist the employee
- ✓ You’ll need to prove you acted like a supervisor
- ✓ FOLLOW UP!

## SUGGESTIONS/DIRECTIVES

EXAMPLE

“Effective immediately, you are directed to ensure all trash cans in the cafeteria are changed before they are full and/or overflowing. You are further directed to clear and wipe tables and discard trash as soon as students leave their tables. Failure to comply with this requirement will result in further disciplinary action up to and including termination. If you have any questions concerning this directive, or need further clarification, please call me to arrange an appointment to discuss further.”

aa/rr

38

## Suggestions/Directives

### Clear Description of Directed Conduct

#### GOOD FEEDBACK EXAMPLES:

- ❑ “Effective immediately, you are directed to prepare your syllabi with **more detail**. **Specifically**, you are to describe the course format, learning objectives, grading policy, attendance policy, office hours, and a clear and specific course calendar. **I have attached a sample syllabus that uses the format I expect you to follow.**”
- ❑ “Effective immediately, you are to prepare budget plans with more **detail**. You are to identify all assumptions used to arrive at your conclusions. **I have attached a sample budget plan that uses the format I expect you to follow.**”

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39

## Suggestions/Directives

### Example

- You are directed to immediately correct your unprofessional conduct. To assist you in remediating your conduct, you are directed to:
  1. Cease and desist from yelling or raising your voice when addressing students, parents, employees, supervisors, or outside service providers.
  2. Do not engage in conduct that undermines, disrespects or interferes with the performance of duties of another College employee or service provider.
  3. Direct concerns and responses in a professional manner to those individuals who can address your concerns. **For example**, if you have concerns with your supervisor, direct those first to the supervisor. If you are unable to reach a satisfactory resolution, you may then direct your concern to the Director of Human Resources.
  4. You are to review the attached Board Policy 1350 - Civility Policy, by January 30, 20XX. If you have any questions about the Civility Policy, contact me or Ms. Principal before then and we will discuss this policy with you.
- Don't forget **consequence** and **catch-all phrase**

## WRITING EXERCISE - SCENARIO

You are a classified manager. On May 20, 2022, a Technician reported to you that when he passed by Ms. Smith's (his co-worker's) desk at 9:10 a.m., he saw that Ms. Smith had the Amazon site open on her computer screen and appeared to be shopping. He knocked on the cubicle entry to get her attention and she curtly told him, "Get the hell out of here! I don't have time for you dumb questions today. Whatever you're gonna ask me, just go figure it out yourself." The Technician also reported that for the previous two weeks, whenever he had a question for Ms. Smith about one of the accounts, either he would not be able to locate her at her desk, or she would be at her desk talking on her cell phone for long periods of time and he would have to wait for her to get off the phone before he could ask his question. He suspected she was on personal calls during these times because, from his own cubicle, he would often hear her laughing and gossiping. On one occasion he overheard Ms. Smith talking about her plans for the weekend and her intent for it to be a "romantic" getaway. The Technician told you he was concerned because there is certain work he cannot get done each day without first getting clarification from Ms. Smith. He said it is hard to collaborate with Ms. Smith when she is often not around or is unavailable. He also felt she treated him rudely and he was scared to interrupt her.

## WRITING EXERCISE - DISCUSSION

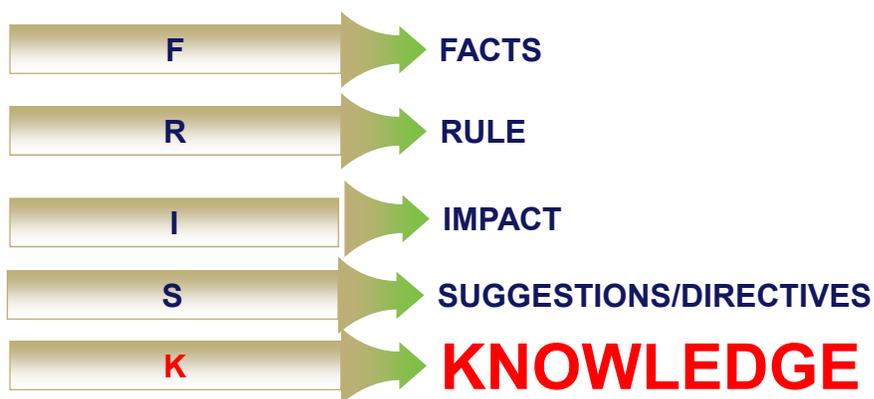
### DISCUSSION – FOCUS ON SUGGESTIONS AND DIRECTIVES

Don't forget:

Failure to comply with these directives will result in further disciplinary action up to and including termination.

If you have any questions concerning the above directives, or need further clarification, please call me to arrange an appointment.

## Elements of a FRISK® Document



5

## KNOWLEDGE

### WHAT RIGHTS DOES THE EMPLOYEE HAVE?

Provide notification to the employee of **intent to place this document in his/her personnel file** after certain period of time and of employee's **right to respond and have the response attached** to the document in the personnel file

- Generally, advisement must be included in any document containing derogatory information (in California, must include)
- Generally, cannot place in personnel file without proper advisement and can't use as evidence in a disciplinary hearing
- May have additional local rights. Check CBAs and policies for guidelines re employee right to respond, and any timelines for response. Peace office may have additional rights (POBOR)
- Employee signature is best practice [proves receipt]

## KNOWLEDGE

### EXAMPLE

#1

“A copy of this letter will be placed in your personnel file. As provided for in the Education Code, you may prepare a written response which will be attached to this document and made part of your personnel file.”

## KNOWLEDGE

EXAMPLE  
#2

“This conference memo will not be placed in your personnel file. However, if the conduct recurs, it will be placed in your personnel file along with a document reflecting an appropriate level of intervention.”

## KNOWLEDGE

EXAMPLE  
#3

“I acknowledge receiving [and reviewing] this document on [date].”

\_\_\_\_\_  
Employee signature

## KNOWLEDGE

EXAMPLE

#4

“On [date], I presented this document to [employee name] who refused to sign acknowledging receipt.”

\_\_\_\_\_  
Supervisor signature

## FRISK® - Sample Letter

Dear Mary:

On January 12, 2022, you were rude and unprofessional toward representatives of the Smile Photography Company (“SPC”). When they asked to take your staff identification photo you became upset and refused to do so. More specifically, you raised your voice and angrily stated that you did not want an ID. Your outburst was made in the presence of students and inconsistent with principles of modeling concepts of good citizenship, respect, and courtesy towards others. Attached are copies of written statements from the Smile photographers as they pertain to this incident.

Your conduct violated the District’s rule for civility, as set forth in Board Policy 1350 Civility Policy. “Members of the District staff will treat parents and other members of the public with respect and expect the same in return.” (See attached Board Policy 1350 Civility Policy) Your conduct was also contrary to the District Code of Ethics which states, “The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community.” (See attached Code of Ethics).

Your conduct has had a negative impact on this vendor and our students. Some of your third grade students were frightened by your behavior and as a result were teary eyed during their photos. You did not model appropriate examples of interactions with others. Regardless of any concerns you may have with the District, it was not appropriate to communicate with the SPC photographers in this manner, particularly in the presence of students. The photographers have insisted that an administrator be present during your photograph session next year. As such, your conduct reflects poorly not only on yourself but on the District as well.

You are hereby directed to immediately correct your rude and unprofessional conduct. To assist you in remediating your conduct, you are directed to do the following:

1. Cease and desist from yelling or raising your voice when addressing students, parents, employees, supervisors, or outside service providers.
2. Do not engage in conduct that undermines, disrespects or interferes with the performance of duties of another District employee or service provider.
3. Direct concerns and responses in a professional manner to those individuals who can address your concerns. For example, if you have concerns with your supervisor, direct those first to the supervisor. If you are unable to reach a satisfactory resolution, you may then direct your concern to the Director of Human Resources.
4. Review the attached Board Policy 1350 - Civility, by no later than January 31, 2022. Should you have any questions about the Civility Policy, feel free to contact me or Ms. Principal before then and we will discuss this policy with you.

Failure to comply with these directives will result in further disciplinary action up to and including termination. If you have any questions concerning the above directives, or need further clarification, please call me to arrange an appointment.

A copy of this notice will be placed in your personnel file ten (10) days from the date of this notice. You have the right to respond to this notice in writing and such response will be attached to this notice and made part of your file.

Sincerely,

**REMINDERS**

- Ensure all documents are highly professional
- Avoid typos
- Review for accuracy of facts
- Be detailed
- Ensure all elements of **FRISK®** are included
- Have documents reviewed by HR first

aalrr 50

**THE FIRST DOCUMENT IS AS IMPORTANT AS THE LAST:**

**DOCUMENT, DOCUMENT, DOCUMENT!!!**

aalrr 51

# HAS THE DOCUMENT BEEN **FRISKED?**



## Progressive Intervention

- **FRISK®** addresses **WHAT** should be included in the feedback message
- Progressive intervention addresses the **TYPE OF INTERVENTION** that should be used in delivering the message

## SELECTING THE PROPER DISCIPLINARY DOCUMENT

“Let the punishment match the offense.”

-- Cicero, c. 52 B.C.

## Progressive Intervention

“**PROGRESSIVE INTERVENTION**” is a series of steps, each step calling for more serious intervention.

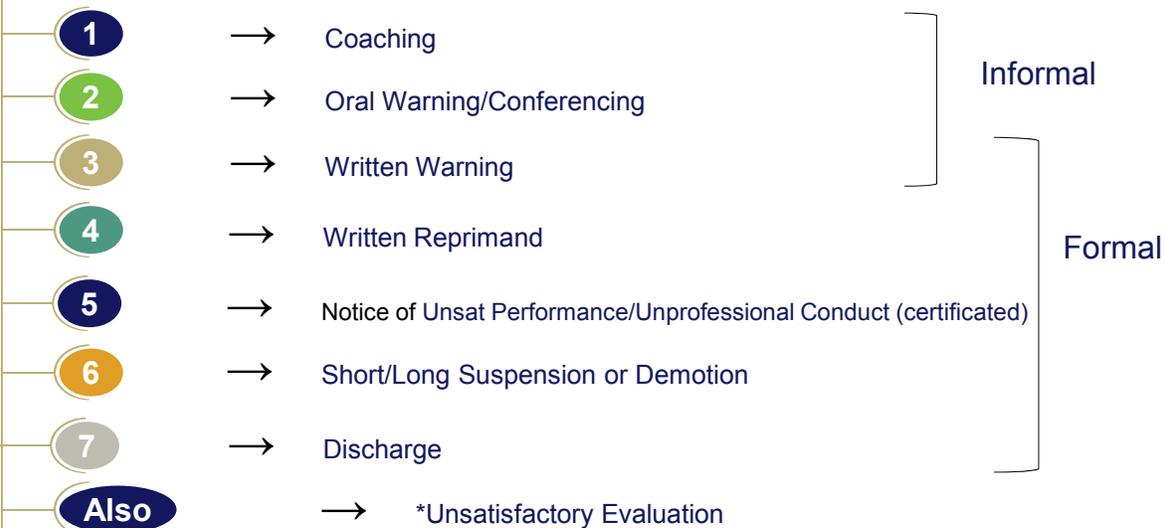
- Goal is to correct unsatisfactory performance/conduct prior to reaching dismissal
- Shows good faith effort by College to help correct unacceptable behavior by first imposing lesser action and allowing reasonable time for improvement
- Justifies more serious penalties when lesser penalties prove to be ineffective
- Helps establish a pattern of deficient performance

## Progressive Intervention

### Where to Start

1. Start with the **LOWEST LEVEL** of intervention
2. That is likely to **EFFECT CHANGE**
3. Based on the **SERIOUSNESS** of the employee's conduct

## PROGRESSIVE Intervention – General Sequence



**SKIPPING STEPS** →

- OK to skip steps if severity of conduct calls for it and if Collective Bargaining Agreement allows it

**REPEATING STEPS** →

- OK to repeat steps when trying to establish persistent violation

If you deviate from steps, be sure you uniformly apply the same steps to other similarly situated employees in order to avoid disparate treatment claims

**CONSULT WITH HR!!**

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## Progressive Intervention

**In Practice**

- Typical contract rules provide ...
  - “College shall follow progressive discipline ... except in cases where ...”
- Even if not mandatory, it is a good idea to follow the accepted methods

**BE CONSISTENT!**

**aalrr** 59

## Conclusion

### Summary of FRISK®

- Use in written documentation
  - For correction and to INFLUENCE change
  - For later use if correction fails
- Use in evaluation narratives
- Use as a communication tool
- Use with a positive mindset

## WE ENCOURAGE YOU TO TAKE OUR FRISK® SERIES:

- Basic **FRISK®**: Learn the Elements of FRISK® in even more detail than today
- Advanced **FRISK®**: **Practice writing** FRISK® documents using hypotheticals
- **FRISK® Communication (Delivering the Message)**: Tips for delivering FRISK® documents to substandard employees and using effective communication techniques to influence positive changes in employee performance or conduct

We also encourage you to purchase a **FRISK® manual**  
Visit <https://www.aalrr.com/newsroom-frisk>

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Question & Answer  
Session

# Thank You

For questions or comments, please contact:

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# FRISK® MODEL

## QUICK REFERENCE GUIDE

<p><b>F</b> <i>Facts:</i></p> <p>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><b>R</b> <i>Rule:</i></p> <p>What should the employee have done?</p>	<p>Include the rule, authority or expectation relating to the deficient performance, such as board policies or administrative regulations, labor contract provisions, adopted curriculum, administrative directives, applicable state or federal law, recognized professional standards, AND include prior same rule violations.</p>
<p><b>I</b> <i>Impact:</i></p> <p>What was the impact of the employee's conduct on the district?</p>	<p>Include facts which describe the negative or adverse effect of the employee's conduct on the educational institution, other employees, students and parents.</p>
<p><b>S</b> <i>Suggestions:</i></p> <p>When and what do you want the employee to do to improve performance? 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, AND include suggestions for improvement.</p>
<p><b>K</b> <i>Knowledge:</i></p> <p>Does the employee have knowledge of the document?</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>

# SAMPLE FRISK<sup>®</sup> WORKSHEET

Use this worksheet to outline the content of the FRISK<sup>®</sup> document as a pre-writing activity.

COMPONENTS	NOTES
<b>FACTS</b>  “What did the employee do?” <ul style="list-style-type: none"><li>• Be specific</li><li>• Be explicit</li><li>• Be accurate</li></ul>	
<b>RULE</b>  “What should the employee have done?” Include the standard, authority or mandate that the employee is expected to follow.	
<b>IMPACT</b>  “What is the negative impact or possible impact of the employee’s conduct on the district or school or student, etc.?”	
<b>SUGGESTIONS/ DIRECTIVES</b>  “What do you want the employee to do to improve the deficient performance?” <ul style="list-style-type: none"><li>• Give clear and unequivocal direction, timelines, consequences <u>and</u></li><li>• Give suggestions to assist</li></ul>	
<b>KNOWLEDGE</b>  “Does the employee have knowledge of the document and the right to respond?” <ul style="list-style-type: none"><li>• Specify date for response</li></ul>	