



The following presentation, “Board Members and Employees – Accountability and Partnership” is brought to you by the Washington State Conservation Commission.....serving conservation districts and the citizens of Washington since 1939....And also by Enduris...the premier risk sharing pool for special purpose districts in Washington.

There’s a lot of information here so feel free to pause this presentation so you can write notes, questions, or ideas.

A great place to start in getting answers to your questions would be to contact your Conservation Commission Regional Manager.

This presentation covers...

- Board member responsibilities
- Staff responsibilities
- Lines of communication
- Personnel policies
- What to do when things go wrong

As a conservation district board member, it's important to recognize the collective role your board plays in providing a policy framework for personnel management.

In this presentation, we'll talk about board and staff responsibilities, lines of communication, personnel policies, and what to do when things go wrong.

Remember, there's no law that says a district **has** to be managed in the way suggested here. It's arguably the best for most districts but may not be a fit for a few smaller ones. Ultimately it's up to the Board. Most of what we provide here is guidance based on statute, rule, our own policies, or best practices.

Board member responsibilities

- Stay at the 30,000 foot level.
- Make policy decisions rather than operational decisions.
- Have good board policies and follow them.
- Hold other board members accountable.
- Hold District Manager accountable.

When exercising your board's personnel responsibilities, make sure the district has a good foundation of policy to guide day-to-day decision-making. Remember to stay above the fray and let staff deal with every-day implementation. Once policies are developed, finalized, and approved, the board has an important role of holding each other and the District Manager accountable.

Best practices for board policies

- Board governance
- Board/manager relationship
- Implementing district vision



As mentioned in our module on Board Governance and Public Official Conduct, boards should adopt policies that provide ground rules for board governance, the relationship between the board and their manager, as well as implementing the board's vision through district operations which includes employee policies.



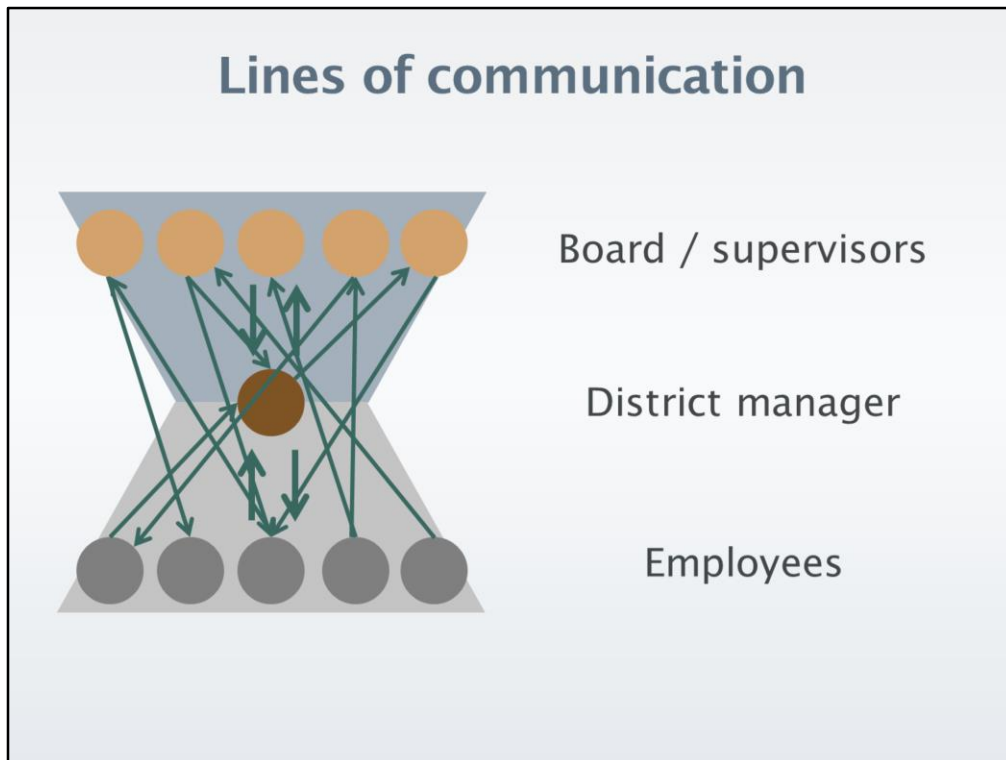
Best practices for board policies: Board / manager relationship

- Single point of connection
- Single unit control
- Staff accountability
- Authority of the manager
- Manager accountability

A clear delegation of authority to the District Manager to perform certain tasks independently is essential for a smoothly operating conservation district. That delegation must clearly describe when and what the manager brings before the board for approval and what the manager can take action on independently.

The District Manager's motto for keeping the board informed should be "no surprises". A common real-life example of a "surprise" is the expectation that the board immediately approve a complex policy proposal without adequate time for review and discussion. The Board and District Manager need to earn each other's trust. If the manager hides bad news or sugar coats things, they aren't doing their job or letting the Board do theirs. Similarly, in these situations, the board needs to be worthy of the manager's trust and not undercut them. Without mutual earned trust it doesn't work. Part of earning each other's trust is sometimes by having uncomfortable, but productive conversations. The Board needs to resist the urge to start meddling in decisions that are in the manager's authority.

Additionally, a good service to your district staff is to appoint one supervisor to be available to the district manager between board meetings. The same supervisor can be designated as a point of contact for any issues that involve or are about the district manager. Often this is the board chair but other times another board member may be more comfortable, and thus more effective, taking on this role. This protocol should be clearly established in policy



Lets talk about the best practices for interactions between board and staff. So here's what you don't want to happen ***** While interactions between individual board members and individual staff are not illegal (depending on what's communicated.), it can be very disruptive to district operations and the authority of your district manager. *****

***** The best practice for day-to-day communication with district staff is **through** the district manager.

***** The best practice for board direction and guidance is **also** through the district manager.

Lines of communication



- Have policies on communication, not just practices
- Establish trust
- Have consistent and meaningful staff meetings – everyone hears the same information at once
- Management of “one-on-ones”

Your district manager has a difficult job...kind of like playing two simultaneous games of 3-D chess. To uncomplicate things, it's best to make board/staff communication a part of your written board policy. Developing and adopting policies and following them establishes trust and sets up ground rules for how and what can be communicated and by whom. The **Board** provides direction for the district manager. The **Manager** provides direction for the staff through meaningful and consistent staff meetings so everyone hears the same thing at the same time.

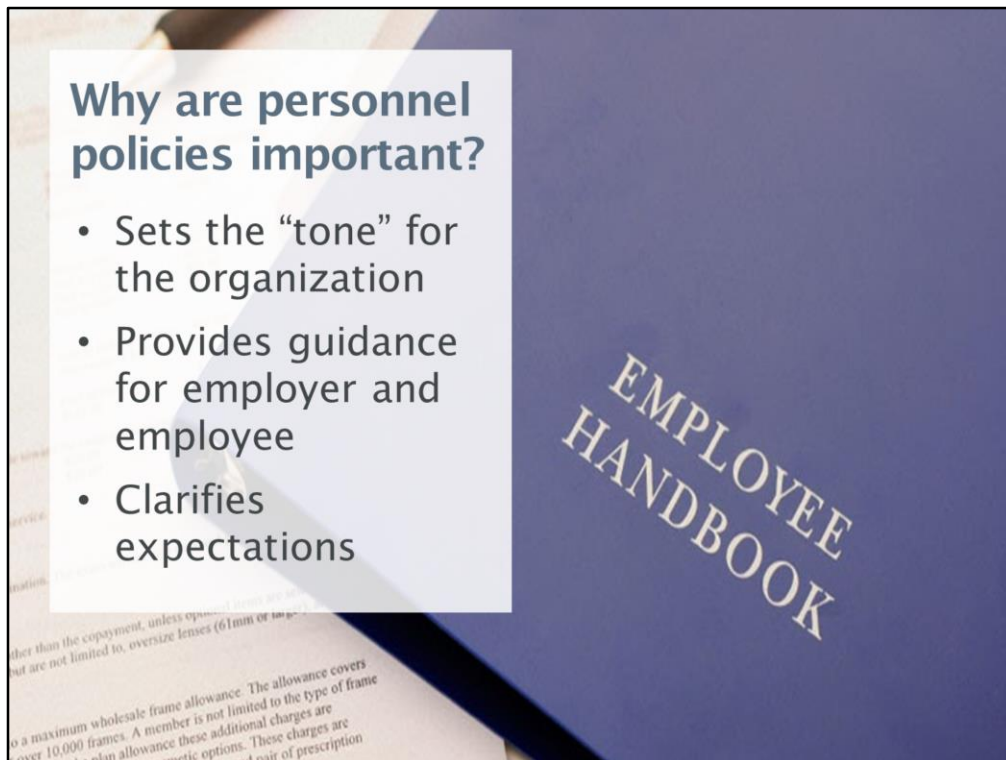


Staff responsibilities

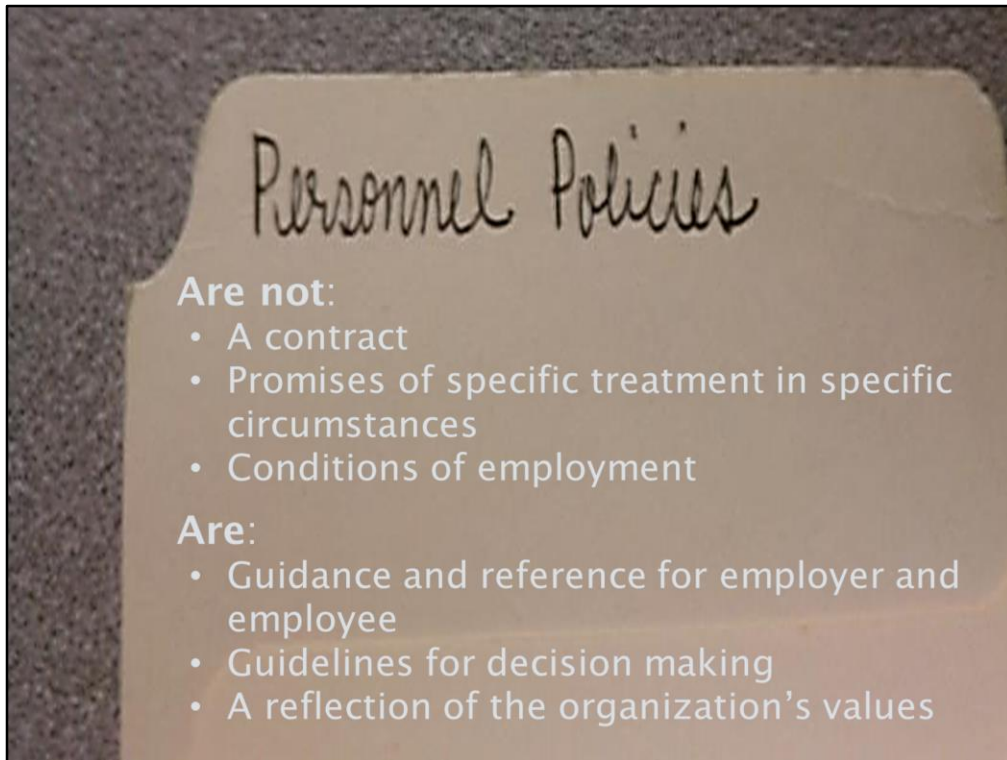
- Have good policies and procedures for the operations of the district.
- Keep the board informed.
- Bring well-documented recommendations and information to the board.
- Provide clear expectations.
- Communicate openly, proactively, and transparently.
- Once a decision is made, unite behind it and stick with it.

The District Manager, and the conservation district staff under their supervision, have several responsibilities with respect to interactions with their Board.

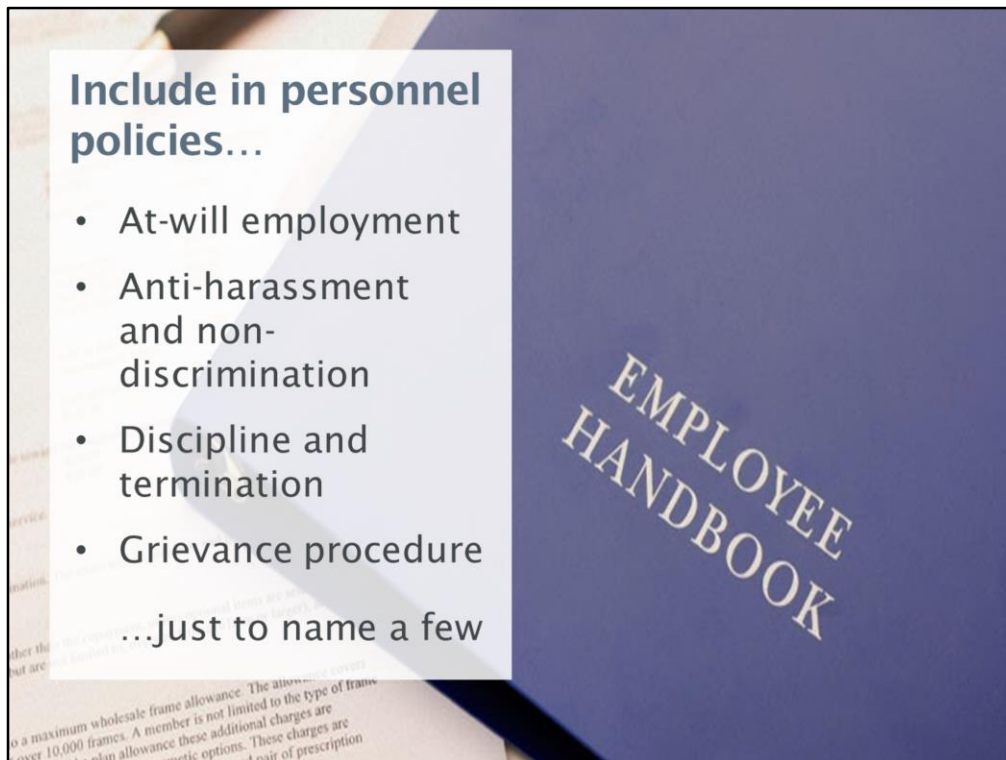
- Make sure district policies and procedures are good, practical, and adhered to;
- Through the district manager, staff keeps the board well informed by bringing forward thoroughly researched, well-documented information and recommendations;
- Board and manager set and make sure expectations are very clear through their long range and annual plans of work;
- Communicate openly, proactively, transparently and in a business-like manner
- And finally, once a decision is made, unite behind it and stick with it.



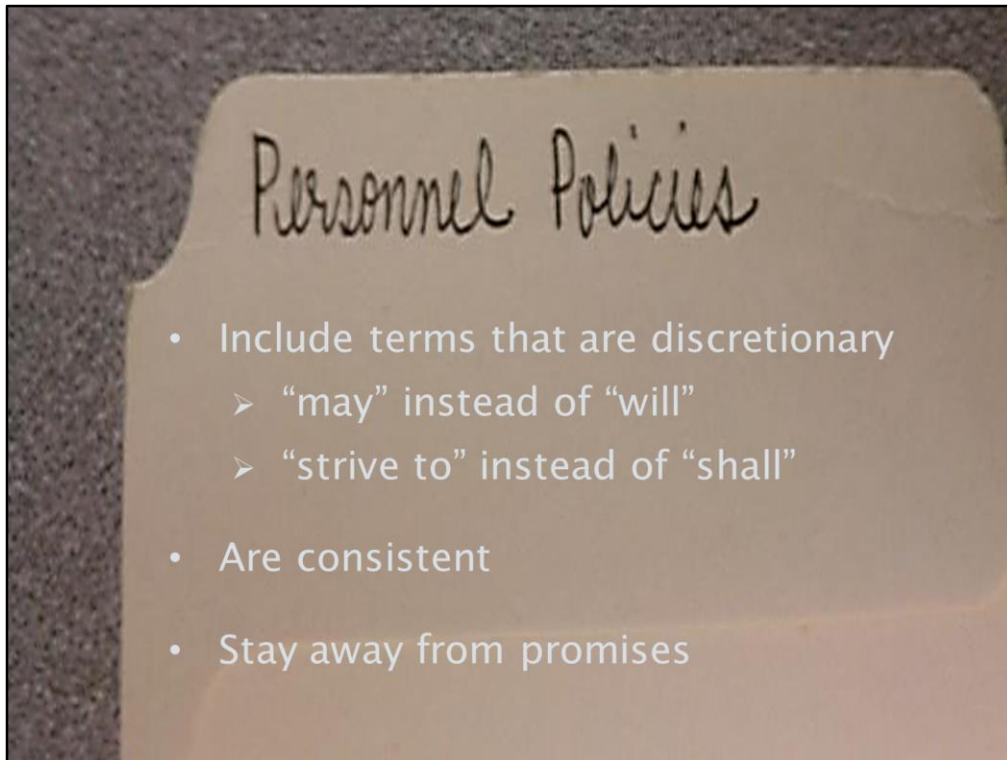
Good personnel policies, and the spirit with which they are created, set the tone for day-to-day district operations. They provide a road map and clarify expectations for both board and staff. Each district employee should, through their signature, acknowledge they have read and understand the personnel policies.



Remember personnel policies are not a set of promises or even commandments written on stone tablets and carried down from the mountain top. Nor are they conditions for employment. They are, however, a road map to help guide decision making within the twists and turns and wide array of issues that will surface.



Here are a few of the major topics that should be contained in a good personnel policy. But before we get into describing these in more detail, remember there are many templates and guides available so you don't have to start from scratch. Your Commission Regional Manager can help you find them.



If personnel policies were written in a way that dictated a specific action for every specific situation, they would be too large and unwieldy to be of any help. Instead, personnel policies should be built to **guide** the District Manager and employees and use terms that are discretionary in nature. They should use terms like “may” instead of “will;” and “strive to” instead of “shall.” They should also stay clear of hard and fast promises.

At-will employment

The word "UNEMPLOYED" is written in a large, black, hand-drawn font. A red 'X' is drawn over the word, with a hand holding a red marker visible at the bottom left, suggesting the 'X' was just drawn.

- Definition: An employer can terminate an employee's employment at any time for any *lawful reason*, or for no reason at all, with or without notice.
- Both the employer and employee can terminate the relationship "at-will."

So what is "at will employment"? Simply put it means the employer or employee can terminate the employment relationship at any time. However, the employer can **not** terminate an employee for reasons that violate the law such as firing someone because of their race, gender, sexual orientation, or religion. Having a statement in your personnel policy regarding at-will employment is **extremely** important! Finally, if a personnel action such as discipline or termination are under consideration, its important to contact your risk insurer. They can provide valuable assistance.

Include non-discrimination and anti-harassment in your personnel policies

- Employer prohibits unlawful discrimination and harassment.
- Have a reporting policy.
- Retaliation is prohibited.



Your personnel policy needs to set the tone for your district as a welcoming and civil place to work. So, to that end, another provision of law that needs to be addressed in your district's personnel policy is related to non-discrimination and anti-harassment. Make sure you have a clear policy describing roles, responsibilities, and process for handling complaints. Also make sure to emphasize that retaliation against a person who files a complaint is against the law!

Employee performance

Conduct honest, meaningful, consistent, and regular performance evaluations.

- Recognize good performance.
- Deal with bad performance.
 - Policy explains what *can* happen – oral/written warnings, etc... – but leaves options open.
 - Actions are solely at the discretion of the employer.

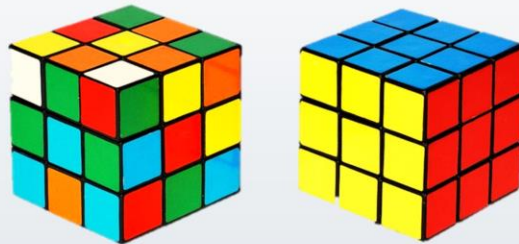
The heart of your district's personnel policy are provisions related to employee performance. Most every employee wants to do well and be recognized for it. Setting up a clearly understood, honest, meaningful, consistent, and regularly scheduled process for employee evaluations is an important organizational skillset to develop and maintain. A good performance evaluation is not a one-sided list of demands, but a constructive conversation between employer and employee. Provide immediate, constructive feedback between performance evaluations and make notes of that feedback to inform future formal performance evaluations. The culture for employee performance should be all about setting people up to succeed.

As a board you have a direct reporting relationship with your District Manager. **You** are responsible for their performance evaluation. Your district **manager** is responsible for the process of evaluation of other district staff.

On occasion there's a miss-match between job expectations and job performance. It's important for your policy to outline what can happen to correct performance. In these instances, document and communicate in a no-surprises fashion so that expectations and process are clearly understood. The eventual outcome of this part of the process is solely up to the employer.

Include a grievance procedure

- Provide employees with a forum for addressing concerns if they can't resolve issues with co-workers.
- Encourage open communication.
- Employees want to be heard.



Sometimes there are internal disputes between employees. A best practice for resolving them is for the employees to work it out themselves before it affects the workplace. For those situations where a resolution can't be accomplished, provide a forum, a grievance procedure, for addressing their concerns. Encouraging open communication in these situations is critical. Employees want to be heard. If you need a third party to assist in this, there are dispute resolutions centers around the state.

When things go wrong...

- Define the issue.
- There's always two or more 'sides.'
- No personal attacks.
- Don't gossip, complain, or blame.
- Work toward a solution.
- Engage others (third party).
- Remember the chain of command.



Sometimes the board will be asked to help resolve disputes between employees. We recommend **only** doing that if one of those employees is the District Manager. Otherwise, resist the invitation to get involved in something your district manager should be helping to resolve through processes outlined in the personnel policy. Here are some basic guidelines for helping manage differences in the workplace:

- Be familiar with your district's policies and follow them!
- Listen carefully to define the issue. Remember there are two or more sides to any dispute.
- Commit to keeping the conversation civil and avoid personal attacks, gossip, complaining, or blame.
- Always work toward a solution.
- Remember the opportunity to engage an impartial third party such as your local dispute resolution center to help.
- And finally, if discussion, listening, and reasoning don't work, remember you do still have a chain of command...

But, what could possibly go wrong???

- Two different board members separately ask a staff person to handle a situation two different ways.
- A board member having a heated discussion on a district phone, suddenly picks up the phone and throws it across the room.
- Board member serving on an interview panel asks an interviewee their marital status.
- Board member refers to an employee as “kiddo” and other slang terms.

Listed here are actual situations instigated by public agency governing board members. These are not made up!

Some of the boards had governing policies to help them sort through each situation. Others, sadly, did not.

**** You may be wondering what’s so wrong about the situation the final bullet. In this case, the board member was much older than the employee and the employee felt that the board member, by using these types of words, was casting them as inexperienced and ineffective.

Remember, how a person perceives your interaction with them is important and carries weight in the grievance process. You are working in a professional environment. Its always best to interact in a professional way.

...what could possibly go wrong?

- You're at the office and notice employees swear at each other, call each other names, and comment on each other. Most workers participate, but a few seem uncomfortable.
- A female employee shows up at work with a gun (it is registered) to defend herself from her ex-husband who is stalking her.
- The manager has recently begun dating a new temporary employee.
- A female employee likes to hug all the male staff when entering and leaving the office.

Listed here are situations witnessed **by** public agency governing board members. Based on the information provided here, only one of these four situations are in the purview of the board. Which one is it?

- 10 second pause –

**** The situation described in the third bullet is the only one the board should handle because it relates to a person they directly supervise, the district manager. The other three should be left to the district manager to handle using the policies developed and approved by the board.

**** However, in the first bullet, if one of the employees that were witnessed behaving this way **was** the district manager, then the board would need to get involved. Otherwise, the best practice is to inform the manager what was witnessed, get out of the way, and let them sort it out.


Remember...

- Keep your personnel policies up to date.
- Periodically review them together with district staff.
- Consult the experts you have available to you...



Remember to keep your personnel policies up to date. It may seem like an exaggeration, but in the time it takes to complete this sentence something has likely changed in personnel law. It's one of the most dynamic sectors of law and public policy. That's why it's so important to keep your policies not only up to date, but understood by board and staff. Also remember to consult the folks you already have available to help you, especially the one you're paying to help you, your risk insurer. As a customer, you have numerous training and other resources available, usually free of charge. Take advantage of that!



Finally, **** the Municipal Research and Services Center, MRSC, has blogs a newsletter that you can subscribe to. They are very good at digesting complex employment law into layman's terms.



More information

Contact your Conservation
Commission Regional
Manager:
scc.wa.gov/regional-managers

Visit our website:
scc.wa.gov



If you have questions or need more information, please contact your Conservation Commission Regional Manager or go to the Commission website at this address.



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