Documenting Issues with OPS Employees

- **How should supervisors document employee problems?**
  - Documenting the employee’s issues should summarize the events that have occurred or describe specific performance and/or misconduct related issues and the corrective action/feedback provided to the employee.
  - The summaries should include the following:
    1. Specific examples with relevant background information (include the date of the offense/issue and the who, what, where, when, why and how the offense occurred)
    2. Name any witnesses and document any conversation with the witnesses.
    3. Attach copies of relevant documents, i.e. timesheets.
    4. Include the employee’s side of the events.
    5. Include any corrective action/feedback provided to the employee.
  - **Tips on avoiding common pitfalls of documentation:**
    1. Be factual, not conclusory, and avoid opinions, assumptions, or conclusions.
    2. Be accurate with dates, times, witnesses, quotations, and quantities, and avoid using generalizing words such as “always” or “never”.
    3. Never consider or mention protected classes or protected activities, i.e. race, sex, color, religion, national origin, age, or physical or mental disability.
    4. Write documentation as a neutral observer, without emotion, and avoiding adding a personal slant in your written product.
  - Word documents and email correspondence can be used to show the corrective actions/counseling that the supervisor provided to the employee to help them improve.
  - Follow-up e-mails can also be sent after verbal conversations, “Per our conversation...you should follow the below steps to correct these actions.”
  - ELR should be contacted when issues arise involving misconduct.
  - Good documentation can be critical in employment disputes—all documentation of performance and disciplinary issues should be written with the assumption that it may be scrutinized by opposing counsel, judge, or jury.

- **Who does the documentation need to be shared with and when?**
  - All information should be kept by the supervisor in a file or folder that shows the counseling provided to the employee. It is better to contact ELR early on to prevent issues from “building up” and to ensure that you are documenting the issue appropriately.

- **Is there a specific form or checklist to document warnings?**
  - There is not a form available. However, you can make observation notes, email employee with ways in which to improve, keep a handwritten notebook of conversations with employee to show that they were made aware of issues and provided an opportunity to improve.
Ending Appointments of OPS Employees

- What is the protocol for termination?
  - Due to: Project Ending or End of Role in project-Send email stating informing employee that there services are no longer needed due to one of the above reasons.
  - Due to: Resignation- The supervisor should accept the resignation in writing by receiving a letter or email from the employee.
  - Due to: Misconduct or Work Performance
    - Contact FCRR with documentation to show that employee was counseled and provided with the opportunity to improve; ELR will also be contacted to decide upon proper corrective action or if termination is justified.
    - If the issue is egregious (i.e. fighting on the job, using profane language towards students, etc.) you must immediately contact Employee/Labor Relations for appropriate action. It is okay to move the employee to an alternate work location in the interim, if that is possible.
    - If it is decided that a termination is justified, make personal contact with the employee to let them know that their services are no longer needed; that their employment is ‘at will’; giving a notice or reason to the employee for termination is not required or recommended. If they would like further details the employee can contact FSU Employee/Labor Relations (ELR).
  - Departments should also document the reason for separation, for terminations not involving misconduct (i.e., lack of funding, appointment ended, project completion). These are still considered involuntary terminations because the University is the moving party in the separation of employment; however, a consultation with ELR is not required.

- Does the supervisor need to let FCRR H/R know about verbal or written exchange prior to it occurring?
  - No, please document the warnings and inform FCRR H/R know if the employee’s behavior continues and is not improving.
  - If it is a verbal exchange please follow up with the employee with an e-mail ‘Per our conversation...’ for documentation purposes.
  - If assistance is needed to determine the best approach to take in documenting and addressing any misconduct or performance issues, please contact FCRR H/R who will contact ELR.

- May an employee choose to resign rather than be terminated?
  - An employee can choose to voluntarily resign at any time. However, we would never communicate to the employee that if they don’t resign, they will be terminated. As previously stated, prior to making the decision to terminate an employee, you must
provide corrective action in order to bring the deficiencies to the OPS employee’s attention and give them an opportunity to improve. If the employee is not improving, forward the information to FCR H/R who will contact ELR to decide upon an acceptable level of corrective action or termination.

- **Can we direct the employees to the job posting requirements when reprimanding?**
  - Yes, you can direct them to posting so that they understand the requirements; inform them of specific areas of needed improvement; and your expectations going forth.

- **Can employees who are scheduled to return to work in the Fall be eligible for unemployment benefits?**
  - Employee and Labor Relations (ELR) is responsible for responding to Unemployment Compensation claims filed with the Department of Economic Opportunity (DEO); nevertheless, DEO is ultimately responsible in determining whether to approve or deny benefits as payable to the claimant based on the information provided by both the claimant and the University. However, if the employee is returning in the Fall you must provide them with reasonable assurance (i.e. verbal notice, written notice) that they will be returning to work during the next school term and provide a tentative return to work date, if available.

- **Can we lapse employees between school years?**
  - No, if the position is OPS it is a temporary position and the employment should be terminated if the work load has ended. The employee can be rehired when the new school year begins.