FRISK® and Its Framework

FRISK® is an acronym representing universal components which should be included in legally sufficient documentation intended to improve employee performance through direct, honest and constructive communication.

It is a model for addressing below-standard performance that includes the following fundamentals:

- Progressive intervention
- Key feedback components
- Framing The FRISK® Message and Strategic Planning
Why FRISK®? Common Problems

- 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 could lead to disciplinary action.
- Lack of uniformity in handling employee performance and/or misconduct issues.

What is FRISK® Good For?

Objectives

- Improved performance
- Constructive feedback, not sugar coated
- Document progressive intervention
- Support “winnable” cases – burden of proof
- Defend:
  - Discrimination complaints
  - Grievances
  - Unfair practice charges
- Simplify documentation process

What Does FRISK® Mean?

Dear Mary:

F ____________  
R ____________  
I ____________  
S ____________  
K ____________

Sincerely,
Alice Mann-Edger

Components:
- FRISK
Structure of letter:
- 5 paragraphs
- Self-contained
FRISK® and Its Framework

**FACTS** (What Happened)

**RULE** (What Rule Was Violated)

**IMPACT** (What Was The Effect)

**SUGGESTIONS/DIRECTIONS** What needs to improve or be corrected

**KNOWLEDGE** (Personnel File Rights)

Progressive Intervention

**WHERE TO START?**

Progressive Intervention

**Objectives**

- Support employee improvement:
  - Identify issue early to give a reasonable opportunity to effect change
  - Coach, motivate and foster improvement through specific suggestions and directives
- Show seriousness of concern and a good faith effort by management
- Recorded efforts justify additional levels of intervention and culmination in discipline when necessary

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Progressive Intervention cont'd...

Coaching
Oral Warnings / Conference Summaries
Written Warning
Reprimand
Ed. Code 87734: 90-Day Notices
Suspension Without Pay
Dismissal

Factors For Deciding Step In Progressive Discipline And Whether To Repeat or Skip Steps:

- Seriousness of Misconduct
- Past Similar Conduct
- Impact of Misconduct
- Past Employment Record
- Likelihood of Repetition
- Past Practice

In Practice
- Typical contract (and personnel commission rules) provide...
  - District shall follow progressive discipline...except in cases where...
- Even if not mandatory, it is a good idea to follow the accepted methods

BE CONSISTENT!
Progressive Intervention cont'd…

Relevance to Formal Evaluations

- Spend time drafting specific comments for the "Areas of Strength," "Areas of Improvement" and "Other Comments."
- Do not feel constrained by the space on the paper. Attach additional sheets if necessary.
- Draft your comments using the first three letters of FRISK® (i.e., Facts, Rule, Impact). Stay tuned.

Evaluations and the FRISK® Model

Evaluation
- Honestly describe performance
- Reaffirm expectations
- Give specific feedback about deficiencies
- Set goals for improvement
- Offer support

- FACTS
- RULE
- IMPACT
- SUGGESTIONS/DIRECTIVES
- KNOWLEDGE
- FRISK®

Evaluations and Progressive Intervention

Evaluations and Progressive Interventions Are Not Mutually Exclusive
Evaluations and Progressive Intervention

- Oral Warning/Conference
- Written Warning
- Letter of Reprimand
- Notice of Unprofessional Conduct/Unsatisfactory Performance
- Suspension Without Pay
- Dismissal

Evaluations and Corrective Intervention

- The evaluation should reflect corrective interventions throughout the relevant period.
- Corrective interventions may reference the evaluation to demonstrate:
  - The employee’s knowledge of expectations
  - Prior directives
  - Repeated infractions
  - The employee’s knowledge of consequences

Getting the Most out of FRISK®

The FRISK® Model works best when the supervisor has a positive attitude toward using documentation as a CONSTRUCTIVE, rather than destructive, means of improving employee performance.
What Does FRISK® Stand For?

- F: FACTS
- R: RULE
- I: IMPACT
- S: SUGGESTIONS/DIRECTIVES
- K: KNOWLEDGE

Facts

What Happened?

A narrative description that CLEARLY DESCRIBES the specific conduct of concern.

- Pinpoint deficiencies with specifics, in complete and explicit terms
- Who, What, Where, When, Context
- Passes the “Stranger Test”
- Avoid generalized statements
- Avoid conclusions without supporting facts and concrete details
- Facts are correct (validated) and stated objectively

Facts cont’d …

Just the FACTS

When?: On ______ 20xx, ...

Who?: I saw and heard you ...

Where?: ... outside room 12 ...

What? How?: ... yelling at custodian Amy Smith, making her cry. In front of students, you called her a dummy and an idiot for not watching where she was going with her custodial cart. You disturbed Mr. Sing’s music class, as he left class when he heard you yelling. ...
Facts cont’d …

**Bad Language Example:**

“You are frequently late to staff meetings.”

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Facts cont’d …

**Good Language Example:**

“You are frequently late to staff meetings. Between November 15, 20xx and March 3, 20xx, you were late to faculty meetings on September 18 (10 minutes); September 29 (5 minutes); October 10 (15 minutes); and October 24 (10 minutes).”

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Facts cont’d …

**Bad Language Example:**

“You went to the gym at 7:30 a.m. on January 15, 20xx, and waited 10 minutes before returning to the department office.”
Facts cont’d …

Good Language Example:

“On January 15, 20xx, I directed you to go to the gym at 7:30 a.m. to unlock the door for the building contractor. Instead of waiting until the contractor arrived, you left after 10 minutes and returned to the department office without opening the gym door.”

Facts cont’d …

Conclusions vs. Facts

<table>
<thead>
<tr>
<th>General Conclusions</th>
<th>Supporting Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>You violated provision of labor agreement</td>
<td>Took a morning break in excess of ten minutes, per Article II, Section 8, of the contract on March 2, 9, 15 and 19, 20xx.</td>
</tr>
<tr>
<td>Your work station is unclean</td>
<td>Custodial supply room in Building G on May 3, and June 4 and 6, 20xx was found to have used rags on the work bench, open containers of solvent, and equipment on the floor.</td>
</tr>
</tbody>
</table>

Facts cont’d …

Conclusions vs. Facts

<table>
<thead>
<tr>
<th>General Conclusions</th>
<th>Supporting Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Smith was intoxicated</td>
<td>After returning from lunch at 12:45 p.m. on June 19, 20xx, John Smith’s speech was slurred. He staggered when he walked and fell against the file cabinets two times, and had a strong smell of alcohol on his breath.</td>
</tr>
<tr>
<td>John Smith failed to follow instructions</td>
<td>On December 12, 20xx, at 10:30 a.m. and again at 1:45 p.m., John Smith was directed by his supervisor to repair the lock on the door at Room 625. At 2:15 p.m., he still had not followed this directive.</td>
</tr>
</tbody>
</table>
Facts cont’d …

Communication “Tools” to Add Clarity

- Reference other documents and physical evidence where applicable
  - An invoice for repairs to district property shows the extent of the damage
  - A letter from the county office details the number of times a report, document, or information, or violation has occurred
  - Student data entry logs show when an employee accessed the system and type of action performed (OR NOT PERFORMED)
  - A picture tells a thousand words!

The Power of Photos

Facts cont’d …

Communication “Tools” to Add Clarity

What Does FRISK® Stand For?

FRISK® Manual, Chapter 20

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Rule

What Should the Employee Have Done?

• Finding The Rule
  - Federal/state/local laws
  - District policies/regulations
  - Collective bargaining agreements
  - Personnel Commission Rules
  - Job descriptions
  - Employee handbooks
  - Curriculum standards
  - Prior directives
    - In performance assessment or training documents
    - Staff meeting directives (oral or written)

Rule cont’d...

WHAT IF THERE IS NO RULE ON POINT?

1st DEFINE THE PROBLEM

2nd TRANSLATE IT INTO THE EXPECTED RULE

Rule cont’d ...

What Should the Employee Have Done?

• Creating A Valid Rule Where One Might Not Exist
  - Reasonably clear and instructive
  - Reasonably related to efficient/orderly operations
  - Uniformly applied
  - Not in conflict with other rules/directives
  - Communicated

FRISK® Manual, pp. 24-28
Rule (Continued)

What Should the Employee Have Done?

- Referring To Prior Similar Rule Violations
  - Evidence of pattern and recurrence
  - Heightens awareness of seriousness
  - Highlights concern to motivate positive change
  - Justify increased corrective action
  - Reinforces prior notification to improve
  - Emphasizes growing concern
  - Look for overarching themes (e.g., performance or conduct issues seem to change from one time to the next)

CASE STUDY #1

REVIEW AND OUTLINE
THE FACTS AND RULES SECTIONS
OF A COUNSELING MEMO

[Do you have all the information you need?
What level in progressive intervention do you recommend?]

What Does FRISK® Stand For?

- FACTS
- RULE
- IMPACT
- SUGGESTIONS/DIRECTIVES
- KNOWLEDGE

FRISK® Manual, Pages 31-42
Impact

What Harm Was Done?

- To Whom? or What? and How?
  - Students | coworkers | vendors | community
  - College or other’s property
  - Efficient/ orderly operations
  - Liability
  - Notoriety
  - Professional integrity | image
  - Standards of conduct

Impact cont’d …

What Harm Was Done?

- Include Impact facts to:
  - Substantiate the degree of seriousness of the employee’s deficient conduct for a fact finder who may not understand the true impact, and
  - Tie unsatisfactory conduct to the job where the conduct is abstract or caused by an activity or condition not arising from the job itself.

Impact cont’d …

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 and/or why it must be changed
**The Impact Section of a Counseling Memo**

- Describing What Harm Was Done
  - The adverse impact needs to be clearly communicated
    - Clear and complete impact facts
    - Avoid conclusions without supporting facts and concrete details

**Example**

“Arriving late for duty without notifying the maintenance department prevented the campus from obtaining a substitute. This impacted the cleanliness of our campus, teaching facilities and the whole educational environment for students and staff. It also burdened your co-workers, who had to neglect their own duties to cover for yours.”

**Case Study #1**

THE IMPACT SECTION OF A COUNSELING MEMO
What Does FRISK® Stand For?

- FACTS
- RULE
- IMPACT
- SUGGESTIONS / DIRECTIVES
- KNOWLEDGE

FRISK® Manual, Chapter 6, pp. 43-54

Suggestions/Directives

What Should the Employee Do Now?

- Directives
  - Effective timeline
  - Clear command verb/unambiguous
  - Capture all anticipated related conduct
  - Consequences for noncompliance
- Suggestions
  - Specific techniques/resources
  - Personal assistance

Suggestions/Directions cont’d ...

The Difference

Suggestions and Directions are equally important for employee improvement, but they are very different in effect:

- Suggestions (recommendations) = IDEAS for change
  Employee NOT Accountable
- Directions = MANDATES for change
  Employee IS Accountable
Suggestions/Directions cont’d …

Clear Description of Directed Conduct

BAD FEEDBACK EXAMPLES:
- Effective immediately, you are expected to be courteous when speaking with students.
- In the future, you are directed to treat co-workers with more respect.
- Effective immediately, you are required to use appropriate instructional materials.
- In the future, you must use better judgment in repairing district equipment.

Suggestions/Directions (Continued)

Consequences of Noncompliance

GOOD FEEDBACK EXAMPLES:
- “Failure to comply with this directive will result in further corrective action.”
- “Failure to comply with this requirement will result in a warning letter.”
- “Failure to follow my instructions will result in disciplinary action, including the issuance of a letter of reprimand.”

BAD FEEDBACK EXAMPLES:
- “Failure to follow my directive may result in further disciplinary action.”
- “Continued non-compliance with this directive could result in a recommendation of additional corrective action.”

Suggestions/Directions cont’d...

Which of the following phrases are clear or vague?

1. Would you mind responding by . . .
2. Please do the following by Friday . . .
3. I insist that you . . .
4. I would appreciate it if . . .
5. Perhaps you should . . .
6. You are directed . . .
Suggestions/Directions cont’d…

Which of the following phrases are clear or vague?

1. I expect the following by . . .
2. You are required to . . .
3. You may wish to . . .
4. It is important that you . . .
5. It would be helpful if you would . . .
6. I see no reason why you should not be able to . . .
7. I insist you consider the following . . .

CASE STUDY #1

THE SUGGESTIONS/DIRECTIVES SECTION OF A COUNSELING MEMO

What Does FRISK® Stand For?

F - FACTS
R - RULE
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FRISK® Manual, Pages 55-66
What Rights Does the Employee Have?

- Right to respond
  - Education Code section 87031
  - Collective bargaining agreements
  - District policies/regulations
  - Personnel Commission rules
  - Miller v. Chico
    - Effect on employment status
    - Reasonable time (what is “reasonable”?)

"A copy of this letter will be placed in your personnel file after ___ days. You may prepare a response, which will be attached to this document."

EXAMPLE #1

This conference memo will not be placed in your personnel file unless the conduct recurs. You may prepare a response, which will be attached to this document.

EXAMPLE #2
Knowledge continued...

Moving Documents to the Personnel File

> When Should a Document be Placed in the Personnel File?
> Site Files:
  - Anecdotal notes
  - Records of coaching/conferences
  - Complaints pending investigation
  - Beware: No good deed goes unpunished
> Moving records from site file to personnel files

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CASE STUDY #1

THE KNOWLEDGE SECTION OF A COUNSELING MEMO

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Framing the FRISK® Message

The Art of Changing Behavior

Key Components to Changing Behavior

**Employee cooperation for change:**
1. Employee recognition of the performance problem
2. Employee acknowledgement of the need to correct the problem

**Supervisor support:**
1. Respectfulness
2. Trustworthiness
3. Timely feedback
FRISK® Strategic Planning

The Art of Changing Behavior

Difficult communications should not be spontaneous. Planning is key:
- Commitment to addressing the issues
- Timing
- Setting
- Planning the presentation
- Delivering at the right level of intervention with the right tone

What Does FRISK® Stand For?

F - FACTS
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Thank You

For questions or comments about FRISK, please contact:

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