



# Risk Management Conference

## August 8 – 9, 2013

### Conference Roundup

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Moderator - Lori K. Mans, Constangy, Brooks, & Smith

(The “kNOw” Panel)

The events, characters, and entities depicted in these scenarios are fictional. Any resemblance or similarity to any actual events, entities, or persons, is entirely coincidental.

Firefighter claimed he was injured during the scope of his employment with the County, however, the injuries claimed did not match the report that was submitted to Risk Management. The firefighter was placed on light duty and assigned to work in the EOC. He frequently requested sick leave during his light duty assignment. Risk Management later learned that he had two other outside employment positions and the time off requests were due to the outside employment. This information had not been disclosed to Human Resources as the County's policy requires, but was known to the employee's supervisor.

How should the County proceed?

County supervisor would like to terminate an employee due to consistently poor job performance, despite opportunities to improve. Human Resources reviews the employee's file. Employee had been placed on a PIP 6 months ago, but after 3 months and completion of the PIP, supervisor noted that "employee has shown significant improvement and excels with his job performance." No other disciplinary documentation exists after the completion of the PIP 3 months ago, but the supervisor insists that the employee needs to go.

How should HR advise the supervisor?

The same supervisor now shares with HR that he has had at least two counseling sessions with the employee in the last three months, during which he presented the employee with a written counseling. However, he kept these in a separate supervisor file and has a practice of tearing them up after 30 days, as long as the employee is performing well at that time.

Evaluate the supervisor's actions.

A County employee is on FMLA leave due to a medical condition which, according to her doctor, prevents her from performing road tests and other outdoor tasks essential to her job. A co-worker shows the employee's supervisor the employee's Facebook page, which has pictures of the employee fishing, scalloping, and the like on the weekends.

What are the supervisor's options?

The same supervisor shares the Facebook page with HR. Upon reviewing the Facebook page further, HR sees that under the comments to the pictures, another unknown individual has posted the following:

“It’s about time you enjoy some down time after having to put up with that awful, chauvinistic boss of yours! Make sure you take full advantage of this time away before you have to deal with his sexist comments again when you return. We need to band together and find a way to stop this!”

How, if at all, does this change your response?

Questions?