Change Management
FROM THE EDITOR

Just in case you ever feel inclined to question whether some clichés are true, think back to where and how you worked in February 2020. You can no longer doubt that change really is the only constant.

The ongoing coronavirus pandemic forced public sector organizations to rethink and reengineer almost every aspect of how they deliver services and protect employees. IPMA-HR captured some of the early trends in remote work for government employees via a survey of members conducted in April. Findings regarding telework are summarized on page 16. More details will be provided during the online sessions substituting for the 2020 Annual Conference.

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COVID-19 and the municipal budget crises it triggered may also prompt small police departments to restructure simply in order to survive. Signal Hill, Calif., Police Capt. Brian Leyn highlights how several agencies in the United States and elsewhere are already using civilian employees and advanced technology to lower salary costs, increase capabilities and extend the law enforcement work of uniformed officers.

Describing a change initiative launched well before the term “novel coronavirus” popped up in everyday conversations, John Krupa and Maureen O’Brochta of the Illinois Municipal Retirement Fund (IMRF) walk readers through the steps fund leaders took to engage employees in a switch from a mainframe to commercial off-the-shelf hardware and software. With three of four stages completed, staff surveys show that 100 percent of employees support and are comfortable with the major changes in how they process data and conduct client business.

One might almost think that change leaders at IMRF had read this month’s Leadership Roadmap column. In his newest contribution to the magazine, Andrew Rahaman, Ed.D., explains why employees seem so predictably resistant to change and offers practical advice for identifying and minimizing root causes of resistance.

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In “How HR Can Rethink Compliance Training,” Trish Stromberg, the chief marketing officer at iSolved HCM, proposes strategies employers can use to meet their obligations to ensure that each employee reads, comprehends and complies with new coronavirus safety policies and procedures. She suggests adopting “a learning management system that allows the employer to deliver short courses that teach employees about the new procedures before they come back to the office.”

Taking a longer view, Institute for Workplace Skills and Innovation President Nicholas Wyman, MBA, recommends expanding apprenticeships to stock the talent pool and providing technical training for current employees to ensure they remain flexible and valuable to the organization. These ideas comport well with the insights offered by the authors of the newest Employee Engagement column.

Institute for Public Sector Employee Engagement Director Bob Lavigna, IPMA-SCP, and CPS HR Marketing and Employment Branding Manager Jason Lichney observe, “Much of the discussion about remote work focuses on how employees can adapt to their home being their new workplace. However, employers need to understand how to manage and supervise remote employees in ways that will maintain performance, productivity and engagement.”

After exploring the implication of this, Lavigna and Lichney conclude on a hopeful note by writing, “More flexible work environments, greater use of technology and effective management practices can create a performance culture that drives employee productivity and engagement, and, most importantly, organizational performance.” —N

Ed Lamb

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Coming up in the September issue of HR News

Creating & Maintaining a Healthy Work Environment
The New Law Enforcement: Civilians and Technology

How Small Agencies Can Survive in a Changing World

By Capt. Brian Leyn

Policing a city with a population of just under 12,000 people within a boundary of 2.2 square miles has unique challenges. Signal Hill, Calif., in Los Angeles County, is rich in history and prides itself on being able to sustain itself financially, politically and, most of all, in terms of providing for the safety of residents. With the significant shifts in the political and social climate over the last 20 years, small police departments like those in Signal Hill are assessing how to adapt rapidly. Questions that require evolving answers are why separate police departments should exist and how they can be funded.

New and Ongoing Challenges

Because of COVID-19, all cities are projecting significant financial instability over the next few years. Cities will make budget cuts, and smaller cities are going to look at whether they need a police department. Planning for this eventuality is going to be the key for small agencies to avoid seeing law enforcement services being outsourced to another agency.

When the Great Recession hit in 2008, almost every police department in California had to lay off employees, including sworn officers. However, police departments still managed to perform their duties despite being understaffed.

The world is now dealing with a pandemic and has entered another recession. Small cities will see drops in hotel taxes and retail sales. Those that, like Signal Hill, host auto dealers may experience sustained deficits.

The auto industry is reporting significant declines in sales due to the COVID-19 pandemic. In March alone, Honda recorded a
48 percent decline. General Motors had a 7 percent decline, and Acura experienced a 51 percent decline.

This fiscal uncertainty arrives atop long-term budget pressures. On Aug. 1, 2019, the Sacramento Bee published an article on the rising costs of public pensions in California. The article stated, “Last year, the League of California Cities surveyed 170 local governments about their pension contributions, finding that most cities expected their contributions to increase by at least 50 percent by 2024, to an average of 15.8 percent of general fund budgets.” Not helping matters, employers’ required contributions to CalPERS, the state’s Public Employee’s Retirement System, have already increased substantially over the past decade, becoming a significant burden for small cities.

**Civilians Must Play a Crucial Role**

Small police agencies have long been stuck trying to do more with less. Budgets are limited, and hiring can be difficult because small agencies do not offer all the tools and assignments that larger police agency can. So, being creative in restructuring is essential. Restructuring is often associated with bad things such as layoffs, closures and failure. Redesigning, though, is an opportunity for an organization to push the refresh button to achieve better success.

In this age of ever-increasing technology and fewer viable police officer candidates, the leaders of small police departments need to get ahead of the curve and implement innovative changes. One approach is to move from the officer-generalist workforce model to a professional-specialist model. Transitioning to employing more civilians and deploying more state-of-the-art technological systems may even help a smaller agency survive.

Civilians can perform essential roles in a police department, especially as those duties become more complex. Sworn officers simply may not possess or have the time to acquire and use necessary knowledge and skills.

It may also help a department to establish two groups of civilian employees. One group can support the function of sworn commanders and supervisors, and the other group can support sworn line staff.

Such positions have existed for decades. During the late 1980s and 1990s, civilians made up approximately 7.5 percent of the law enforcement workforce. By 2016, according to data compiled by the FBI, 30 percent of law enforcement employees were civilians. What civilians do varies significantly across jurisdictions.

In the United Kingdom, civilian police employees are involved in investigations, intelligence, uniformed support, specialized policing and supervision. One UK force even assigns professional staff to investigate the most serious crimes. The Manchester Police Department has a homicide investigation unit made up of civilians. While the civilians have no arrest powers, their work led to the filing of charges in 85 percent of their cases over a two-year period.

Stateside, the Camden County, N.J., Police Department, which serves the City of Camden, has incorporated uniformed civilians into their patrol force. Those civilians, who do not have arrest powers, respond to radio calls for nonviolent incidents. They also relieve sworn officers doing administrative work on criminal cases so the officers can return to service.

Some agencies have even made it possible for civilians to serve as top-ranking officials. For instance, the commissioner of police for New York City need not be a career officer.

It is felt that a civilian commissioner will be more likely to maintain an objective viewpoint, while a commissioner who rose through the ranks of the police department could struggle to balance their allegiance to uniformed personnel and their duty to elected officials and the public. Civilian commissioners may also tend to focus more on strategic decision-making and addressing community concerns than on the details of police work.

**Restructuring for Efficiency**

As budgets decrease, it is time to make changes that seemed impossible in more robust economic times. Following Camden County’s lead and utilizing civilians in roles previous reserved for sworn officers makes sense. Carrying out the transition will present challenges and opportunities. Issues that must be addressed during restructuring are how the agency can become more efficient, which positions and functions the agency can do without, and what resources the agency needs.

The Corpus Christi, Texas, Police Department answered questions in those areas when it created “parapolice.” These departmental employees wear uniforms but are not armed and cannot use force. They conduct community policing outreach programs, do support activities and participate in some criminal investigations. A 2016 report by Envisage Technology noted that the parapolice “have the
Implementing Organizational Change Management Strategies to Reinvigorate a Modernization Project

By John Krupa and Maureen O’Brochta

A massive modernization project underway at the Illinois Municipal Retirement Fund (IMRF) created the perfect opportunity to introduce new organizational change management (OCM) strategies that focused on the people side of the project. IMRF’s Horizon Project, as it has been named, is a multimillion-dollar undertaking that heavily impacts all areas of the fund’s business. Employing OCM strategies set the stage for transitioning to an environment in which staff are engaged and excited about the improvements the Horizon Project will bring.

IMRF Commits to Making a Major Change

IMRF is the second-largest and best-funded public pension fund in Illinois. The fund administers retirement, death and disability benefits for more than 3,000 units of local government in Illinois and, at the end of 2019, held approximately $44.8 billion in assets. And, as reported in the March 2020 HR News, IMRF is the first public pension fund in the United States to receive the Malcolm Baldrige National Quality Award for performance excellence.

Although IMRF’s products are regulated by state law, our services are open to innovation, and we pride ourselves on being innovators who are committed to continuous improvement. Acting on this commitment, the fund undertook an ongoing project to replace its custom-built legacy mainframe computer system with commercial off-the-shelf (COTS) hardware and software. The legacy system has been in use for almost three decades, growing more customized each year.

This major modernization project affects every aspect of the business, from multiple call centers and a mail center to application processing units, a financial unit and all self-service capabilities for members and employers. These core business units work with millions of data records that interact with each other in many different systems.

In addition to transitioning away from the mainframe system, the Horizon Project encompasses efforts to restructure and improve our customer relationship management, enterprise content management, web self-service and content management systems. We are moving, through numerous steps and phases, from a place of expertise to one of continual evolution.

If you envision change as a process represented by the Kübler-Ross Change Curve, after a period of time, many of our team members found themselves at the low-point of the curve (see Figure 1). They were in the Fear stage and growing increasingly wary.

“With all this change, IMRF staff understandably began experiencing increased levels of anxiety and uncertainty,” said Cara Bannon, IMRF director of human resources. “This is a natural response to any big change, and we knew that IMRF needed to take some proactive steps to help the team advance along the change curve as quickly as possible.”
IMRF looked to the Baldrige Criteria for Performance Excellence for answers on helping employees embrace change. The fund had followed the Baldrige criteria for more than a decade, so we took a close look at the change management piece for guidance. Here is a brief look at what the criteria say about change management:

**Section 5.1 Workforce Environment**

*Change management*

Change management is a process that involves transformational organizational change controlled and sustained by leaders. It requires dedication, involvement of employees at all levels, and constant communication. Transformational change is strategy-driven and stems from the top of the organization. Its origin may be identified within the organization, and it requires the active engagement of the whole organization.

**How We Managed Change Processes**

With Baldrige guiding us, IMRF implemented a number of new OCM strategies to build momentum and move our team forward along the change curve.

**Organizational Restructuring**

One foundational improvement we made was adding HR staff to the Horizon Project management team to help plan and administer the OCM piece of the project. HR staff, in conjunction with senior management, developed a clear and comprehensive OCM plan. Also, as communication efforts moved to the forefront of the project and became a key piece of the OCM plan, IMRF moved the communications team under the management of the director of human resources to strengthen this partnership and underscore IMRF’s commitment to OCM.

**Focusing on Communication**

To make sure we were effectively communicating with staff, answering their questions and addressing their concerns, IMRF began holding town halls twice per year. We also started producing a quarterly newsletter titled *Horizon Brief* to report on high-level project news and deliver strategic messages. That supplemented emails from project leaders to core team members and our weekly staff email newsletter, *IMRF Update*, which shared additional project updates in between the quarterly briefs.

“The way to have a successful project is to focus on the people involved,” said Julia Taylor-Young, IMRF organizational development lead. “You need to answer the ‘what’ and the ‘why’ and connect the dots for staff in order for them to become invested in the project.”

**Asking for Staff Feedback**

IMRF realized its project communication process needed to be two-way if it were to foster engagement and identify improvements. The fund needed to go beyond pushing messages out to staff. We also needed to provide team members a mechanism to provide feedback on how they felt the project was progressing.

IMRF introduced what we called quarterly “pulse surveys.” These check-ins were sent to any team members who was directly involved in supporting the project. They were designed to be short and focused in order to quickly and easily take the pulse of the project.

Completing each survey required only a few minutes, with staff being asked straightforward questions like whether staff members were excited about the new Horizon tools and whether they felt like they were making important contributions to the project’s success. The feedback often confirmed all was well, but responses also provided ideas for improvement. For example, after receiving feedback from staff, IMRF implemented weekly cross-functional meetings that opened avenues for collaboration between groups that had been isolated from each other.

**Setting Expectations and Empowering ‘Change Champions’**

One of the most effective strategies IMRF employed was precisely defining 18 characteristics and behaviors expected of all Horizon Project participants. The list included attributes such as enthusiasm, agility, openness, fearlessness, trust in other departments and displaying a collaborative attitude. IMRF communicated these expectations to every Horizon Project core team member and each IMRF leader.

“This was important, because it helped set our expectations for the entire team,” Bannon, the HR director, said. “And it helped us anchor conversations related to behaviors.”

With these characteristics defined, IMRF recruited an additional group of 18 team members who modeled the characteristics and tasked those individuals with helping their colleagues embrace the changes brought by the Horizon Project. The people in this group,
whom IMRF dubbed Change Champions, were predominantly nonmanagers and came from all different departments throughout the organization. They received special updates on project progress and were provided with key messages to disseminate to their peers.

Change Champions also served as another channel for listening to staff throughout the organization. If Change Champions heard concerns or ideas for improvement from team members, they passed the information along to organization leaders so action could be taken.

**Developing Shared Language**

To give staff a framework and shared language for discussing changes, as well as the challenges and opportunities the changes presented, a copy of *Who Moved My Cheese?* was given to each staff member. Department leaders asked staff to read the book, and Change Champions led discussions to hear staff thoughts and reactions.

The book prompted team members to do some soul-searching and consider how they are predisposed to respond to change events. The book got everyone talking about the need to “move with the cheese,” which captures the ideas that change is inevitable and that the more quickly one takes personal responsibility for actively adapting to change, the less anxious and happier one will become.

**Celebrating Success**

Taking time to celebrate successes became an important OCM strategy for the Horizon Project. As a multiyear project moves forward, it can be easy to overlook incremental progress even when significant milestones are reached.

IMRF made a conscious effort to celebrate accomplishments. For example, at the completion of each phase, we held special events for all core team members and the vendors who supported the project. Themes for these social gatherings were acknowledging and rewarding the hard work of all involved, as well as reinforcing the idea that we are all in this together and working toward a shared goal.

**Where the Horizon Project Stands**

We are well on our way to a successful implementation. IMRF has progressed through three of the four total project phases, with the fourth being the phase in which the COTS product is being configured and tested.

Along the Kübler-Ross Change Curve, the IMRF team has progressed out of the Fear stage, gone through Learning and Acceptance, and entered Enthusiasm (see Figure 2).

In a recent staff pulse survey, 100 percent of respondents marked “Agree” or “Strongly Agree” when they were asked if they continue to feel excited about the changes the Horizon Project will bring. Also, 100 percent of staff agreed or strongly agreed that they added value to the last few Horizon workshops they attended.

Reflecting on our progress to date, it is clear that a turning point in this project came when IMRF intentionally focused on the people side of the Horizon Project. By integrating modern OCM strategies, fund leaders helped team members progress more rapidly along their Kübler-Ross Change Curve and placed the organization in a position to successfully complete an organizationally transformative technology project.

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John Krupa is the Illinois Municipal Retirement Fund communications officer. You can email him at jkrupa@imrf.org.

Maureen O’Brochta is an external communications specialist with IMRF. Her email is mobrochta@imrf.org.
potential to perform as equals to both the public and police, and could even help to bridge the growing gap between the two.”

As valuable as civilian staff could prove in the field, they also have key roles to play in police management and administration. For instance, a civilian serves as the senior administrative manager for the Prince William County, Va., Police Department. That individual oversees budget and planning. A civilian also manages in-service training for the department.

Both employees alleviate the needs to assign sworn officers to tasks that do not require law enforcement skills. Managing the budget is a full-time job, after all.

Extending law enforcement capabilities does not end with taking over administrative duties. Civilian staff can perform many tasks traditionally assigned to cops. In particular, a department could benefit from having a civilian handle cybercrime investigations.

As for where agencies could find civilian employees, universities and community colleges enroll many people who study criminal justice but do not want to be street cops. Those individuals can be recruited to fill positions in recruitment, hiring, background checking, IT, budgeting, training, public relations, public outreach and volunteer coordination. The hiring pool for law enforcement positions will increase when civilians are provided more opportunities.

Using Technology to Amplify the Work of Sworn Officers

In-vehicle computers, advanced fingerprint matching and DNA analysis became standard in law enforcement during the 1990s. Today, departments are learning to integrate drones, robots, kiosks and predictive analytics. Deployed properly, the new tech tools can replace officers in the field and at police stations.

This is already happening in China, where AI kiosks at an unstaffed station take reports, scan faces and answer questions. A small police department utilizing such technology could increase the practical size of its force without hiring additional sworn personnel. Civilians could run the equipment.

Writing recently for Police Chief magazine, Vern Sallee describes police drones as first responders that usher in a “new paradigm in public safety. Small agencies could undoubtedly benefit from using drones for surveillance that would significantly tie up the time of a sworn officer.

Even more simply, but no less valuably, creating and maintaining detailed computer databases will allow police departments to better serve their communities. Databases enable police to pinpoint neighborhood hotspots, capture input from community members and prevent crimes. Tasking civilian employees with collecting, inputting and securing data, again, extends the capabilities of sworn officers.

Change May Not Come Easily

Rooting out traditional thinking about how to do law enforcement can be difficult. Changing a culture that has held sway for decades may cause the people in the organization to feel vulnerable and weak.

Making the case for redesigning operations at small police departments starts with pointing out that such agencies are especially susceptible to budget cuts and difficulties with hiring sworn officers. Adding civilian employees and optimizing the capabilities of emerging technologies produces cost savings while increasing the ability of sworn officer to work as officers.

Building an arsenal of technological tools also enhances the ability to combat cybercrimes and stay current with changes coming to society, such as autonomous vehicles and robots.

Even more importantly, restructuring makes a small police department more efficient and sustainable. Incorporating civilian staff into roles usually filled by sworn personnel streamlines operations and moves the department forward. Sworn officers will no longer have to focus on ancillary duties such as budgeting, training and hiring. Instead, they can focus solely on meeting the law enforcement needs of the community.

Capt. Brian Leyn has been a police officer with the Signal Hill, Calif., Police Department for 22 years. You can email him at Bleyn@signalhillpd.org. — X
How HR Can Rethink Compliance Training

Relying on Learning Management Systems and Fostering Employee Engagement

By Trish Stromberg


It is a new era for the American workplace, and human resources professionals are in the thick of it.

With significant input from those in HR, employers are reimagining workspaces as the United States continues to contend with the coronavirus pandemic. Before employees return to the office, it is crucial for HR professionals to highlight the measures that have been taken to protect workers’ health and safety, such as issuing social distancing guidelines and detailing hygiene practices.

But how can employers easily communicate this type of information to workers? HR professionals and other workplace managers should consider leaning on technology to get the job done.

Employers are obligated to ensure that every employee reads and comprehends all of the new safety policies and procedures. Employers must also do what they can to confirm that each employee commits to complying with new practices. Both can be achieved by implementing a learning management system that allows the employer to deliver short courses that teach employees about the new procedures before they come back to the office.

A workplace leader such as the HR director can guide employees through the policies, distribute and assign coursework, and quiz employees to assess how much knowledge they absorbed. This way, everyone gets on the same page for complying with new health and safety rules.

Why Now Is the Time to Adopt a Learning Management System

The rise of remote work amid the COVID-19 pandemic underscores the value of using learning management systems. This technology allows safety and compliance training to be carried out online, which means that someone working remotely can easily complete a course.

In addition, an employer can improve engagement with employees and boost their confidence by incorporating compliance training into a learning management system. The U.S. Occupational Safety and Health Administration (OSHA) acknowledged as much by writing its Guidance on Preparing Workplaces for COVID-19, “Informed workers who feel safe at work are less likely to be unnecessarily absent.”

And, given the many hazards employees will face until the pandemic ends, OSHA recommends that employers offer refresher training on health and safety. Using a customizable learning management system should simplify the delivery of that follow-up training. Customizability is key because, as OSHA reminds, “Training material should be easy to understand and available in the appropriate language and literacy level for all workers.”

Using a learning management system also lets employees complete specially tailored training anywhere and anytime on a laptop, smartphone or tablet. In other words, there is no need to gather employees in a conference room—where social distancing might be difficult—to make it possible for a manager to conduct a training session.

These are all important attributes at a time when, as revealed by a Brandon Hall Group survey, 80 percent of organizations describe management of the coronavirus crisis as challenging or very challenging. That survey of how HR departments and learning and development programs are contributing to managing the business and human impacts of the pandemic also revealed that organizations of all sizes are struggling with compliance training. A little more than half (55 percent) of respondents from organizations with between 500 and 4,999 employees indicated that technology could help them meet the challenge of training workers.
Just Any Learning Management System Will Not Suffice

In the long term, gaining a technological edge in compliance training and, more broadly, employee engagement is essential. Right now, implementing the right technology can ease the burden of HR professionals who are arranging employees’ return to the workplace.

So, it is no wonder that the global market for learning management systems is projected to reach $28.1 billion by 2025. As already noted, factors driving increased use of learning management systems include the

- Ability to customize training,
- Array of budget-friendly options, and
- Growing use of smartphones and cloud-based services.

The benefits of learning management systems are numerous, but employers do not always take full advantage of what the technology offers. For one thing, many organizations lack a strong culture surrounding knowledge sharing and knowledge management. Research findings published by the Association for Talent Development (ATD) in July 2020 show that only “44 percent of organizations have a formal knowledge-sharing process and 53 percent have an informal knowledge-sharing process.” The remaining 3 percent of organizations lack knowledge-sharing progresses altogether.

To make matters worse, the association’s research indicated that a number of organizations have not tasked HR professionals or anyone else with overseeing knowledge sharing and management. Just 49 percent of organizations have tapped someone to be in charge of knowledge sharing, while 54 percent have assigned someone to direct knowledge management.

Adding to the problem, as ATD pointed out, sharing and managing knowledge encompasses technology and change management. The processes also depend on employee engagement. “There must be leadership support, and there must be an understanding by the organization that knowledge management is not just one and done,” Liz Herman, the director of knowledge management at Kentucky-based customer care center Senture, told the association. “To do knowledge management right requires an ongoing process and dedication to doing the work.”

Using a learning management system can go a long way in solving this puzzle by enabling a point person to make sure that all employees are appropriately trained. But, ATD’s research showed that 42 percent of organizations do not store knowledge in a learning management system. And even the organizations that do use learning management systems are not fully capitalizing on their value.

A February 2020 survey conducted for online printing services provider Mimeo revealed that 70 percent of organizations used learning management systems, but just 55 percent of trainers had the right tools to produce e-learning materials. Considering the rapid-fire pace of workplace changes during the coronavirus pandemic, a technology gap like that could hinder efforts to properly train employees on new health and safety practices.

Now, more than ever, it is vital for employers to embrace customizable learning management systems so they can deliver the vital health and safety knowledge employees need to do their work properly and comfortably. Using the technology can also help ensure compliance with OSHA guidelines and mandates from other workplace regulators in the new normal of the workplace.

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Employers Must Take the Long View on Rebuilding the Workforce Following COVID-19

By Nicholas Wyman, MBA

Since the onset of COVID-19, everyone in the workforce has been forced to adapt to changes at an unprecedented rate. Organizations raced to ensure they could continue operating and delivering services virtually, particularly in vital public markets like education and health care.

Employers and their human resources departments continue to face new and difficult decisions every day. While the economic impact on private sector businesses has been widely reported, the public sector has also been hit hard. Pew reported in mid-June that since March, when many institutions began closing, some 1.5 million education and government jobs had been lost. Overall, the public sector saw its highest jobless rate in nearly 20 years.

It is imperative to approach the ongoing crisis with honesty, directness and a long-range view on workforce development and employee engagement and retention. Because we will recover, but we will need new and adapted skills to complete the recovery.

Major Changes Arrived Quickly and Will Not Stop Soon

No one knows how long the threat of COVID-19 will last, but it is clear that this crisis will significantly alter our working methods and patterns. Lasting changes have already occurred.

Telecommuting and remote working became the norm for millions of people practically overnight. The transition was particularly abrupt for many who had no prior experience working with tools like Zoom or Slack. Still, professionals such as health care providers and counselors shifted rapidly to telehealth platforms to continue safely providing important services.

Work processes and systems will continue evolving to meet needs of organizations and employees in the new model of distributed work. In particular, we can expect to see additional investments by businesses and government in digital infrastructure and online capabilities.

Employers and managers should look for opportunities to innovate and build skills across the workforce. Now is the time to implement and assess how online platforms can improve operations. If optimal platforms are not already being used, employers should create accounts and set up organizationwide tutorials.

Training Employees on Technology Is a Must

Going forward, organization must develop operating processes and systems to withstand all disasters, not just pandemics. Even the normal pace of economic transformation demands revamping and adapting skills.

New technology is eliminating jobs that demand only repetitive tasks. That same technology is creating jobs that involve maintaining, managing and developing the new technology. In other words, people who can work with technology are in demand.

Right now, though, many employers simply want to maintain their workforces. Dwindling revenues and slashed budgets for
massive open online courses (MOOCs), Khan Academy, Udemy, Skillshare or Google Digital Garage to find free online classes, some of which offer certification.

Establish or Expand Apprenticeships to Build for the Future

One lasting impact of the pandemic will likely be a change in expectations regarding the role for government in the economy. We can expect governments at all levels to reorient their thinking about the scope of services, particularly when it comes to disease prevention and maintaining social infrastructure. As services expand, training and employing more people for public sector jobs will become necessary.

Agencies should consider investing in their own futures and the future of America by continuing to fund and sponsor apprenticeships throughout these challenging times. Serving an apprenticeship is a proven way to skill up and prepare for a public sector career in health care, public safety, infrastructure, cybersecurity or law enforcement, to name a few areas. Now is the time to invest in individuals who want to fill these essential roles and to strategically plan for workforce needs as localities and the economy recover.

Many employers have also found that apprenticeship programs increase employee loyalty, engagement and productivity for both the apprentices and their mentors. And some organizations are successfully using apprenticeships to diversify their workforce, which has produced positive effects for the employer and the community.

Now is the right time to start an apprenticeship program. The federal government recently set aside millions of dollars in grants for such initiatives through the U.S. Department of Labor’s Closing the Skills Gap program, and funds are available to local and state governments, as well as private employers and nonprofits.

The coming weeks and months could be the best window of opportunity this decade to bring in talented people through apprenticeships. This period also presents a prime opportunity for organizations to integrate skills-building and professional development initiatives to ensure they have a more robust, better-prepared workforce.

Nicholas Wyman, MBA, is a future work expert and speaker, the president of the Institute for Workplace Skills and Innovation, and the author of Job U. Wyman has studied at Harvard Business School and the Kennedy School of Government, and he was awarded a Churchill Fellowship. He is on LinkedIn. —NW
Public Sector Telework Trends During the Coronavirus Pandemic

State-ordered shutdowns to prevent the spread of novel coronavirus infections forced public sector organizations to adapt quickly to allowing many employees to work from home—most for the first time. Historically, public sector organizations have trailed private organizations in providing flexible workplace benefits. That made the transition for local, state and federal government agencies challenging in some ways.

More positively, the massive shift propelled some organizations without a telework system in place to develop one. Additionally, documented benefits of telework have emerged at public sector organizations.

During the first peak of the coronavirus pandemic in the United States during April 2020, IPMA-HR invited 6,929 individual members to complete a COVID-19 Response Survey. As part of this effort to gauge how public sector human resources professionals were adapting to newly imposed restrictions on workers and workplaces, the survey explored the handling of office closures and the rapid switch to telework.

A total of 571 IPMA-HR members submitted responses, yielding a response rate of 8.24 percent. Responses came from members in local government (71 percent), state government (10 percent), federal government (2 percent), special districts (10 percent) and educational organizations (2 percent). This data is a snapshot of how the membership stepped up during the COVID-19 crisis.

The COVID-19 Response Survey also explored furloughs and layoffs, hazard pay, expanded family and medical leave practices, recruitment and reopening plans at public sector organizations. Those results will be shared as part of the online events being offered in lieu of the in-person 2020 Annual Conference. Visit on.ipma-hr.org/itc2020 to learn more.

Policies and Practices Pre- and Post-April 2020

The 2019 National Compensation Survey conducted by the U.S. Bureau of Labor Statistics revealed that 7 percent of private sector workers had access to a flexible workplace benefit. Defined as being permitted to work an agreed-upon portion of one’s schedule at home or at some other approved location other than the employer’s office, flexible workplace benefits were then available to just 4 percent of state and local government workers.

The overall percentages included jobs for which teleworking is difficult or impossible to arrange, such as retail, construction and public safety. Looking at only those jobs classified as management, business and financial—which encompass HR manager and specialist positions—many more private sector workers (24 percent) had access to a flexible workplace benefit than did their peers in state and local government (5 percent).

As expected, and as shown in the accompanying infographic, a large majority (70 percent) of public sector HR professionals who responded to IPMA-HR’s April 2020 survey reported that their organization did not have an established and functioning telework program when the pandemic struck. Among the 30 percent (n=211) of respondents whose organizations did have a telework program in place, an average of 16 percent of their workforce was already teleworking in some capacity. After office closures began, the percentage of teleworkers at organizations that already had a program went up to 63 percent. This represented an increase of 294 percent in teleworking very shortly after the pandemic took hold.

A much biggest jump was seen at organizations that did not have established telework programs. From this group, survey participants reported that an average of 1 percent of their workforce was teleworking before the pandemic. Their share of remote workers grew to 41 percent during April 2020, representing an increase of 4,000 percent.

Problems and Payoffs

The big changes did not come without complications. In addition to many organizations needing to create guidelines and structures...
to support telework, about 60 percent of IPMA-HR members reported experiencing technical issues. Almost half of respondents reported having a hard time balancing work-life needs, and 41 percent felt that social isolation was a problem. Other challenges created or exacerbated by the switch to remote work were not having access to materials needed to complete work assignments (27 percent) and being away from peers.

Despite encountering such issues, 71 percent of the IPMA-HR members who responded to this survey indicated that they considered having flexibility over their schedule a benefit of teleworking. Sixty-three percent also indicated that teleworking enabled them to save time and resources on commuting (63 percent), and 48 percent believed they were able to strike a better work-life balance. Against respondents citing social isolation as a challenge, 36 percent selected having fewer distractions as one of the benefits of teleworking.

These findings are in line with other research into the benefits of telework. For instance, the 2018 Federal Work-Life Survey Governmentwide Report notes that 76 percent of those who were teleworking in some capacity felt an increased desire to stay at their agency, 72 percent reported improved performance, 83 percent felt higher morale, 68 percent reported improved health, and 77 percent believed teleworking helped them manage stress.

Will Telework Continue?

Some of the most important questions for HR throughout the pandemic have been when and how employees who started teleworking this spring could return to the office. IPA-HR asked members how they expected their organizations to handle telework after their jurisdictions reopen.

Sixty-nine percent of the respondents at public sector organizations that had established telework policies reported plans to continue allowing more teleworking even after reopening their offices. The intention to stick with teleworking was lower, at 45 percent, among survey respondents whose organizations lacked telework programs prior to the coronavirus pandemic.
Change: What Holds Us Back and Moves Us Forward

By Andrew Rahaman, Ed.D.

As open systems, organizations constantly find themselves responding to changes that occur within themselves and across the external environment. Some changes arrive suddenly and hit with great impact. The coronavirus pandemic forcing a massive shift to working from home or changing how front-line work is performed falls into this category.

The vast majority changes evolve over time, and their effects may only become apparent when organizations set new goals or adopt different strategies. Regardless of why an organization must respond to a change, its leaders cannot refuse to recognize the need to act while acknowledging and addressing the complexities that arise.

No Matter How Necessary, Change Will Be Met With Resistance

Every change effort will encounter headwinds. This is true even when the general attitude toward change is positive. Sometimes, the worst thing leaders can hear is “I’m not fighting this. I just don’t care!” Lack of commitment dooms many change efforts.

Employees’ natural response to organizational change is to hold back. Leaders often label this “resistance,” and the pushback can become powerful. The source of the resistance is not always easy to identify, however.

Research into why organization changes succeed or fail points to some combination of fear, anxiety, false or unclear expectations, comfort with the status quo and simply not having enough information to make an informed decision to go along with the change. In a 2001 Harvard Business Review article titled “The Real Reason People Won’t Change,” Robert Kegan and Lisa Lahey observed that key employees “may be unwittingly caught in a competing commitment—a subconscious, hidden goal that conflicts with their stated commitments. For example: A project leader dragging his feet has an unrecognized competing commitment to avoid tougher assignments that may come his way if he delivers too successfully on the current project.”

The existence and influence of hidden assumptions underscore the need for employees to receive more information. When leaders withhold details about why making a change is essential and what the outcomes will be, the change effort is unlikely to succeed.

Further, a desired change will only take hold if the behaviors of the people responsible for making the change effort successful change. Changing behavior requires employers and employees to understand the big assumptions that hold people back from committing to change.

Assumptions play an important role in how people view and interpret the world. Failing to identify and address employees’ big assumptions makes it impossible to influence core beliefs and alter standard practices.

Of course, articulating one’s own big assumptions is difficult. In fact, it can be impossible for someone to do so by themselves. The process involves admitting deep-seated fears and insecurities, describing the lenses through which one makes sense of the world and their place in it, and how one makes decisions.

Why Resistance Occurs

Three big assumptions prevent change.

Parochial Self-Interest

People who feel that change is happening to them rather than with them and for their benefit assume that they will lose something they deem important, such as status or power.

Misunderstanding and Lack of Trust

When people believe that a change was thrust on them without their input and with no consideration for how it will affect them, they often feel a loss of personal control. This sense that they have no autonomy is fed by a perceived (or real) lack of information they find complete and credible.

When managers and leaders introduce changes, they typically do so while thinking about how the organization will be affected. Staff tend to perceive changes in personal terms, such as what they will need to do differently. This misalignment on the scope of change creates miscommunications, with staff feeling that a change was not thought out, that they were not asked for input and that they are being given incomplete information.

To ensure both groups are not talking past each other, leaders need to create a shared understanding of the organization’s challenges and make sure that staff accept why making a change will enable the organization to meet those challenges.

Low Tolerance for Change

Fear and anxiety are natural reactions to unfamiliar and unwelcome situations. In particular, employees may fear that they lack the knowledge and skills required to implement a change. Some may harbor deeper concerns that they will be unable to learn new skills or behaviors and, therefore, will be in a compromised position. In Humble Inquiry, Edgar Schein writes that leaders can overcome such learning anxiety by working to make employees comfortable with communicating their concerns and sharing any challenges they have with learning. Providing appropriate and adequate training is also necessary.
What Managers and Leaders Must Do to Effect Change

Successfully making a change is hard. It becomes doubly difficult when people feel unsure, unheard and unsafe. This is why organizational change efforts should encompass more than structure, systems and processes. Conversations that allow people to examine their assumptions must take place at all stages.

Managers and supervisors should take employees’ resistance to change as an opportunity to spend time with staff in order to gain perspective and identify ways to increase the motivation for change. Frequent, detailed, two-way communication aimed at framing the need and process for the change fosters the development of an inclusive, transparent environment in which people feel psychologically safe. That environment also helps with managing people’s moods and setting reasonable expectations.

Here, leaders must walk the talk and confront issues as they arise. By creating time and space for open and inclusive conversations, leaders show that they care both about carrying out the organizational change and addressing employees’ issues. Of course, doing all this requires patience from leaders and a willingness to alter their own behaviors to demonstrate vulnerability and openness. It is also not enough for leaders to talk about change; they must commit to changing themselves.

Fostering Psychological Safety

Learning anxiety and a feeling that one is in survival mode grow out of a lack of psychological safety. Conversely, feeling psychologically safe allows a person to welcome opportunities to learn and do new things. Additionally, people who feel psychologically safe tend to ask better questions, show more trust and learn on their own.

Leaders foster psychological safety by doing the following things:

- Creating a positive vision and outlining a higher purpose,
- Involving employee in the change process,
- Creating a supportive climate for learning,
- Providing opportunities for group learning to reduce isolation,
- Encouraging role models and coaching,
- Providing clear direction toward the future state, and
- Establishing norms that effort is rewarded and honest mistakes are not punished.

Employees who see they can make mistakes will be more willing to try new things, which is essential to successfully making a change.

Helping Staff Test and Replace Big Assumptions

Being open to learning and experimenting without fearing adverse consequences allows people to acknowledge and move past their big assumptions and competing commitments. In fact, one could posit that organizational change begins with personal change rooted in changing one’s assumptions about what will happen.

This is true for employees and leaders. Therefore, it is important to intentionally create spaces where everyone in the organization can diagnose their competing commitments. Doing that requires genuinely listening to each person’s concerns and ideas and then capitalizing on the interactions to ensure everyone, from the top of the organization to the bottom, knows they have been heard.

Setting the Stage for Change

Communications about change must flow to the right people at the right time. Leaders must also take care when framing aspects of the change and when describing what the consequences for the recipients of

Additional Reading

Changemaking: Tactics and Resources for Managing Organizational Change by Richard Bevan: This 2011 paperback covers the importance of communicating relentlessly while listening and leading with clarity and involvement.

Managing Transitions: Making the Most of Change by William Bridges: Originally published in 1991, the practical tips in this book can still help managers avoid and minimize workplace disruptions from changes.


the communication will be. Individuals need to know what is needed from them during the change process and also why making the change will be worth their time and effort. Being fully informed keeps people calm and energized.

At the same time, leaders should avoid overwhelming employees. Communicating the process for implementing a change should proceed in a logical fashion. Start with explaining first steps, progress through when to move on to the next steps and always make sure employees know how to provide feedback.

Last, ensuring staff coordination, employee competency, task alignment and individual commitment must be goals for leaders. Employees should never feel alone in dealing with change.

Managing the Mood

Monitoring how employees are processing a change is important. “Managing the mood” means that people have access to forums where they can openly and respectfully discuss and understand the change and the change process. By managing the mood, leaders can identify critical pieces of the change they may not

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Managing Performance in the New Workplace

By Bob Lavigna, IPMA-SCP, and Jason Lichney

Even before COVID-19, one-quarter of the U.S. workforce was working remotely at least part-time. Now, many more employees, including those in government, are working from home full-time. This has created challenges with technology, as well with employee performance and well-being.

According Darren Murph, the head of remote for Gitlab, which bills itself as the company with the world’s largest all-remote workforce, the transition to working remotely is “a process, not a binary switch to be flipped.” However, the coronavirus pandemic forced many government organizations to flip this switch to remote work, sometimes overnight.

Part of the response has been an explosion of articles, blogs and guides with titles like “Top 15 Tips to Effectively Manage Remote Employees,” “How to Stay Sane While Staying Home” and “The Employee’s Guide to Telework: A Guide for Sur-Thrival in Your Remote Environment.”

For employers, recommendations focus on how to communicate with and manage remote workers. For employees, suggestions include working regular hours, separating workspace from personal spaces at home, staying in touch with coworkers and minimizing distractions.

While many view the surge in remote working as a short-term response to COVID-19, we think it’s more than that. Sure, some employees will gladly return to their offices, worksites and colleagues, but only when it’s safe to do so. And especially when the kids go back to school or day care.

However, others will want to continue working from home at least part-time. A recent national survey of government employees conducted by the CPS HR Institute for Public Sector Employee Engagement revealed that 85 percent of respondents who were working remotely for the first time want to continue doing so, at least part-time, even after it becomes safe to return to their previous workplaces.

Therefore, the trend toward working remotely is now on fast forward. The future that many have been predicting has arrived in a hurry, and organizations need to prepare for remote work as a far more widespread and permanent condition.

In the new world of remote work, managers need to see themselves as coaches who can inspire their employees and help them continue to be productive.

Maintaining Performance, Productivity and Engagement

Much of the discussion about remote work focuses on how employees can adapt to their home being their new workplace. However, employers need to understand how to manage and supervise remote employees in ways that will maintain performance, productivity and engagement. Our Institute’s nationwide employee engagement survey has consistently found that leadership and supervision are key drivers of employee engagement in government.

This is important because employee engagement drives organizational performance. However, building and maintaining engagement with a remote workforce poses particular challenges for leaders. These include communicating, maintaining visibility, developing employee competencies, recognizing and rewarding employees’ contributions, and helping employees achieve balance and well-being in this new work environment.

Remote work also creates challenges with maintaining employee productivity and performance. When employees work remotely, managers and supervisors can’t gauge whether employees are being productive merely by seeing them at their desks or worksites. Instead, leaders need to find different ways to interact with employees. They also need to manage goals and results, not just attendance and activities. Actually, focusing on results is not a bad idea even when things get back to “normal.”

Of course, even in normal times, managers and supervisors can struggle to provide employees with support without being micromanagers. This can also be true when employees work remotely. Managers shouldn’t confuse digital hovering with actually supporting and empowering employees.

In a remote work situation, supervisors can’t physically see and monitor their employees to enforce routines that were established when employees actually reported to their worksites. Managing remotely makes it difficult to monitor when employees come and go. Still, maintaining such “workforce tollgates” is important because they help create a work mindset for both employees and managers—and also help separate work-life from life-life.

In the new world of remote work, managers need to see themselves as coaches who can inspire their employees and help them continue to
be productive despite the dislocations caused by COVID-19. Research has shown that public servants are driven to perform by internal motivation and commitment to the organization’s public service mission. Managers and supervisors need to understand and nurture that commitment.

They also need to understand that employees who work from home have to deal with a lot of noise—literally and figuratively. Distractions are everywhere—dogs bark, kids yell, errands must be run, the lawn needs mowing, laundry can only go so long without being washed, the house needs cleaning and repairs, etc. And we shouldn’t minimize the nearly irresistible urge to watch the rest of those *Tiger King* episodes.

Therefore, distractions for remote workers go far beyond an occasional phone call at work or internet shopping during a lunch break. This means that effective performance management must rise above the noise and build a culture of performance.

Adopting proven strategies, performance aids and training can help. Daily check-ins, for example, can enable managers and their direct reports to agree on priorities, thereby focusing on what matters most. These check-ins can also shift the employee’s mindset into work mode in the same way that walking into the office does. Structured daily huddles, weekly-goal-setting sessions and consistent positive feedback can also help drive performance.

Similarly, defining success as achieving results rather than just being present and putting in time—and then holding employees accountable for results—can help drive organizational performance even in our new world of remote work.

**A Planning Tool to Help Manage Remote Workers**

The daily management worksheet provided with this column is an example of a tool that can help manage remote workers. This worksheet provides a basis for each employee and their manager or supervisor to assess progress on priorities and also reset short- and long-term goals day-by-day and week-by-week.

Using this planner facilitates structured daily check-ins and checkouts. It is also simple to use, making it an effective framework for supporting and coaching employees, as well as for reinforcing positive work habits.

It may be a worn-out cliché that the flipside of a challenge is an opportunity, but this is true of our new world of work. More flexible work environments, greater use of technology and effective management practices can create a performance culture that drives employee productivity and engagement and, most importantly, organizational performance.

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Jason Lichney, the CPS HR marketing and employment branding manager, helps public sector agencies design and implement communication strategies to attract, retain and engage talent. Lichney’s email address is jlichney@cpshr.us. —@@
**Court Rules That Extended Bathroom Breaks Are Not Covered Under FMLA**

On June 12, 2020, the U.S. District Court for the Northern District of Texas ruled that a former American Airlines employee cannot proceed with claims that the company violated his rights under the Family Medical Leave Act (FMLA). The plaintiff in Das v. American Airlines, Inc. (No. 4:19-CV-870A) had argued that he had a right to take FMLA leave in small increments while taking extended bathroom breaks to deal with his Crohn’s disease and complications from an earlier surgery.

American Airlines hired Bai Anand Das on July 6, 2016, as a contractor. Shortly thereafter, Das accepted a position as a full-time employee. He underwent surgery on July 7, 2016, and returned to work five days later. Before reporting for duty, Das asked his supervisor, Steve Laupus, to provide him with a work-from-home schedule so that he could complete his daily treatments for surgical complications that affected his digestive and bowel functions.

In May 2017, Das was diagnosed with Crohn’s disease, and he was approved to take FMLA leave on June 12, 2017. He returned to work on July 14, 2017.

Around the same time, Das decided he could no longer work with his supervisor and applied for a different position with American Airlines. In late June 2017, he was assigned to a different position, where his new supervisor would be Chin Pham.

Upon starting his new position, Das informed Pham that he would need flexible working hours in case he suffered a Crohn’s attack. Pham agreed to accommodate Das in the event of an attack.

According to statements Das filed with the court, he experienced a resurgence of Crohn’s symptoms in November 2017 and needed to take more frequent restroom breaks while at work. Those bathroom breaks also lasted longer than usual because, according to Das, he had to use a Sitz bath, apply medication and put on bandages after each bowel movement.

Das and Pham argued about how to handle Das’s work schedule in light of his symptoms. As a result, in December 2017, Das submitted a request to human resources to be given the ability to work from home four days a week and to be allowed to work flexible hours. In January 2018, Das also submitted an accommodation form.

On Feb. 1, 2018, Pham denied Das’s request to work from home, stating that Das could not fulfill his job duties while working remotely. Several months later, on June 29, 2018, American Airlines placed Das on performance counseling after warning him about procrastination and struggles with self-awareness and communication. Then, on Aug. 13, 2018, Das was laid off as part of a reduction in force.

After he was terminated, Das filed a lawsuit in which he claimed that he was discriminated and retaliated against based on his disability in violation of the Americans with Disabilities Act and the FMLA. American Airlines filed a motion to have Das’s FMLA claim dismissed on the grounds that he failed to state a claim, and the court agreed.

The court explained that Das taking longer and more frequent bathroom breaks did not constitute periods of incapacity that resulted in his absence from the workplace. Consequently, the breaks, no matter how necessary, did not entitle Das to incremental unpaid leave under the FMLA. The court, therefore, dismissed Das’s FMLA claim.

**Hospital Not Liable for Discontinuing Religious Accommodation**

A hospital that was previously able to accommodate a Seventh Day Adventist was found not to be liable for religious discrimination when it could no longer continue providing the employee’s preferred accommodation. The U.S. Court of Appeals for the Eleventh Circuit on June 12, 2020, affirmed this decision by the U.S. District Court for the Middle District of Florida. The case is Jean-Pierre v. Naples Community Hospital, Inc. (No. 19-14286).

The hospital hired Wilner Jean-Pierre in 2007 to work as a clinical technician in the oncology department. Clinical technicians worked rotating shifts and generally had to work every other weekend.

Jean-Pierre requested a religious accommodation to be excused from Saturday shifts before beginning his employment, citing his belief as a Seventh Day Adventist that his religion forbids working from sundown on Friday to sundown on Saturday. The hospital was able to accommodate this request for several years.

In November 2010, Jean-Pierre transferred to the outpatient infusion services department and was again informed in writing that the hospital expected him to take Saturday shifts every other weekend. He renewed his request for a religious accommodation, and the hospital again granted it.

In October 2012, however, the hospital found it could no longer find a way around scheduling Jean-Pierre for Saturdays. Two of the four clinical technicians assigned to the outpatient infusions services department had resigned, creating a staffing shortage.

The hospital, through his department’s supervisor, told Jean-Pierre that while it could no longer provide his preferred accommodation, he was allowed to switch shifts with other
clinical technicians. If he could not find a qualified coworker to switch shifts with, the hospital noted, Jean-Pierre was required to report to work on the Saturdays for which he was scheduled.

Jean-Pierre was absent the first Saturday following this notice, and he was issued a three-point penalty per the hospital’s corrective action policy. Jean-Pierre had already accumulated four penalty points during 2012 for other reasons. The hospital permitted employees to accumulate 12 points over a 12-month period before becoming subject to termination.

On Nov. 2, 2012, the hospital’s human resources director met with Jean-Pierre and suggested several solutions to his scheduling problem. Alternatives included switching to a per diem position or transferring to a full-time position in another department where he could be guaranteed different hours or have more coworkers with whom to trade shifts. Jean-Pierre was also told that he still had the option of swapping outpatient infusion shifts.

The following day was the second Saturday on which Jean-Pierre was scheduled to work. He again did not show up. That earned him a five-point penalty, bringing his total corrective action points to 12. As a result, on November 7, the hospital terminated Jean-Pierre.

He subsequently sued the hospital for religious discrimination, failure to accommodate his religious beliefs and retaliation under Title VII of the Civil Rights Act of 1964. The district court concluded that the hospital did not violate Jean-Pierre’s rights in October and November 2012 because it suggested other reasonable accommodations besides rearranging the work schedule.

The appellate court affirmed that decision, noting in particular that the hospital offered to help Jean-Pierre apply for a new position. Case law establishes that offering assistance in obtaining a new position is a reasonable accommodation even when that is not the employee’s preferred accommodation.

In addition, both courts observed, Jean-Pierre was aware of his option to transfer to another department. It was undisputed that he did not apply for an available per diem position or request a transfer. As a result, he could not establish that the hospital retaliated against him for requesting an accommodation. Rather, the hospital’s well-established policy of terminating employees who accumulated 12 corrective action points triggered Jean-Pierre’s firing.

Employee Cannot Show Failure to Promote Was Due to Her Sex

The U.S. Court of Appeals for the Eleventh Circuit on June 12, 2020, affirmed a lower court’s summary judgment for the defendant in Pittman v. Johnson & Johnson Vision Care Inc. (No. 19-13845). The Title VII sex discrimination case was brought by a senior director who alleged that the company engaged in pretext when stating that it denied her a promotion because she lacked requisite skills and experience. The courts determined that the plaintiff failed to provide sufficient evidence of discriminatory intent.

Mary Ann Pittman began working for the company now known as Johnson & Johnson Vision Care (JJVC) in 1983. She has held several positions and currently serves as senior director for new process introduction and life cycle management. At the time of the events giving rise to this lawsuit, Pittman’s supervisor was Mike Alleva, the vice president of product management.

Following JJVC’s succession plan, Pittman’s next promotion in 2015 would be to a director 2 or vice president position. The company uses a formal process to identify employees who are ready for promotion. As a component of this, managers are asked to complete succession profiles and “talent cards” for the employees they oversee. Managers do not always properly maintain the profiles and cards.

Employees are evaluated for their readiness to accept a promotion at the end of each year. Leadership and business results are criteria.

In 2014 and 2015, Pittman received a business results rating of “Exceeds.” She also received “Fully Meets” ratings for leadership. Her talent card showed her to be “Ready Now” for her target jobs.

Despite this, and even though her supervisor endorsed her as ready to be promoted, executives who met to discuss succession at the end of 2015 determined that Pittman was not ready. They downgraded her rating to “Ready Later” based on their concluding that Pittman needed to establish stronger leadership skills and gain more experience with collaboration. Pittman’s talent card was never updated, however, and it continued to show her as ready for promotion.

When Alleva moved to a new role within the company, his position as vice president of product management became available. Pittman expressed interest, but she was not added to the interview schedule.

Just three of the 13 candidates considered to replace Alleva were female, and only three male candidates were interviewed. This led Pittman to sue JJVC for sex discrimination.

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The district court dismissed Pittman’s claim, explaining that the company could point to a legitimate, nondiscriminatory reason for not promoting Pittman. Specifically, JJVC presented evidence to show that the candidate who was chosen was more qualified for the position and that Pittman lacked the skills and experience needed for that role. The appellate court agreed.

While Pittman argued that being deemed ready for promotion made her qualified for the vice president position, the courts held that this status was not, by itself, dispositive and could...
not be taken as a guarantee that she would be interviewed. The company also had a defense against the claim of sex discrimination because its leadership team had noted that Pittman needed to develop stronger leadership skills and gain additional experience before being promoted.

Court Dismisses Discrimination, Retaliation Claims From Hospital Employee Who Was Fired for Failing Asleep at Work

The defendant in Brown v. Dignity Health (No. CV-18-03418) won summary judgment from the U.S. District Court for the District of Arizona on June 19, 2020. The case involved hostile work environment and disparate treatment claims under Title VII and 42 U.S.C. § 1981, as well as a retaliation claim under Title VII. The court determined that the plaintiff could not present evidence that racial discrimination motivated the treatment he received or his termination.

Dignity Health hired Lance Brown, an African American man, in March 2016 to work as a rehab technician in the neuro rehabilitation department of St. Joseph’s Hospital and Medical Center. According to the factual summary prepared by the court, a coworker named Elva Lafforthun complimented Brown while both were in the presence of Marsha Branche-Spelich. Then, Branche-Spelich, who served as the department manager and Brown’s supervisor, “slapped [him] in the face three times, and grabbed [him] by his cheek and called [him] a good boy.”

Brown asserted that Branche-Spelich had a racial motivation for calling him a “good boy.” She argued that she used the phrase “to indicate agreement with Lafforthun’s compliment and that her action was a gentle touch of [Brown’s] face.”

Brown reported the incident to HR while asking that his complaint be kept confidential. He also requested a transfer to a different department, protection from retaliation and the termination of Branche-Spelich. A senior HR consultant investigated and spoke with both Lafforthun and Branche-Spelich but took no other action.

According to the court, “Following the March 2018 incident, Branche-Spelich had minimal contact. Branche-Spelich told [Brown] that she did not want to be alone with him anymore and preferred to be in the presence of a third party when they were together.”

After Brown worked several night shifts during April 2018, the charge nurse raised concerns about his performance with Branche-Spelich. These included reports of Brown “disappearing for periods of time” during which other staff members could not find him.

Brown again requested a transfer in May 2018, but Branche-Spelich denied this. In court filings, Brown attributed the decision to retaliation for reporting Branche-Spelich to HR in March.

Branche-Spelich argued that she “denied [Brown’s] request because he was still under a corrective action from a written warning issued in January for attendance problems and because of the night shift nurse’s recent report about his poor performance.”

While working as a “sitter” on May 17, 2018, Brown fell asleep. A sitter’s job is to watch a patient closely for an entire shift to ensure that the patient does not attempt suicide, assault others or do harmful things such as pull out their I.V.s. A sitter is required to keep their eyes on their assigned patient at all times.

The charge nurse who found Brown sleeping sent him to the staffing office, where the house manager asked him to take a drug test. He refused and left the hospital.

Following its written rules for employee conduct that specify termination as the penalty for sleeping or appearing to sleep on the job, Dignity Health fired Brown. It also had the option to terminate him for refusing to take a drug test, but Brown would only agree to sign a termination agreement that listed sleeping on the job as the grounds for his involuntary separation.

The court reviewed all available documents and held that Branche-Spelich’s alleged comment in March 2018 did not amount to racial discrimination. In addition, the court held that Brown failed to show that he was satisfactorily completing his job duties. This conclusion was based on the fact that he was disciplined for poor attendance less than six months before being fired and that other staff members reported performance issues such as “disappearing” during shifts, sleeping on the job and refusing a drug test.
Certification Corner

Congratulations to these newly certified individuals!

All Abdul-Aziz, IPMA-CP
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Portland, Ore.

Gayle Alsobrooks, IPMA-SCP
Human Resources Manager
Regency Hospital
Marion, Miss.

Crystal Alvarez, IPMA-CP
Senior Departmental Personnel Technician
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Los Angeles, Calif.

Kelly Baird, IPMA-CP
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Human Resources Department
Sanford, N.C.

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HR Pre-Hire Manager
West Virginia Department of Environmental Protection
Charleston, W.Va.

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have thought of, involve others and create tipping-point solutions.

Here, it is essential to remember that communications and decisions about changes cannot come exclusively from the top of the organization. Ownership of the change needs to be spread to all areas of the organization by working together to develop a shared vision and to generate joint solutions to problems. Most employees will want to feel that they are contributing to the change effort. Managing the mood in the ways described should increase employees’ commitment and confidence.

**Prevent Backsliding**

Reinforcing small wins and ensuring everyone sees and feels the positive effects of change will help continue the drive forward. This is the point in the change process when leaders need to overcommunicate the importance of change and to identify any hurdles employees have personally encountered. Ultimately, employee support and follow-through determine the success and sustainability of any organizational change process.

Andrew Rahaman, Ed.D., has worked nationally and internationally with leaders and organizations of all sizes in the public and private sectors, including 26 years in federal government. He is an executive in residence at American University, where he teaches graduate courses on organizational learning, leadership, change management and teams for the university’s Key Executive Education Programs. Rahaman is also on the staff of the Center for Creative Leadership and past-chair of the U.S. affiliate of the World Institute for Action Learning. He currently runs his own consulting firm, specializing in executive coaching, onboarding, organizational culture assessment and delivering leadership development programs. He can be reached at rahamanaa@gmail.com or rahaman@american.edu. Follow him on Twitter @ProfA_Rahaman. —N
**IPMA-HR Welcomes Its New Members**

The Association looks forward to serving and connecting these organizations and individuals who joined during June 2020.

**New Agency Members**

Kootenai County  
Coeur d’Alene, Idaho

Weld County Government  
Greeley, Colo.

**New Individual Members**

Wendy Nicole Bent  
Mandan, N.Dak.

James Darnell Bridges, Sr.  
Odenton, Md.

Bendra Caseneuve  
Dania Beach, Fla.

Kiearba Davidson  
Macomb, Mich.

Elizabeth Fordham  
New Kent, Va.

Shanton Fountain  
St. Charles, Mo.

Carrie Hanes  
Santa Ana, Calif.

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San Jacinto, Calif.

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Belmont, Calif.

Kimberly Schuessler  
Conroe, Texas

Wai Ling Wong  
Los Angeles, Calif.

Cynthia L. Young Bolek  
Hillsboro, Ore.

Check [www.ipma-hr.org/events](http://www.ipma-hr.org/events) for updates on conferences and meetings. Online courses will commence as scheduled.

**August 4-Oct. 11**  
Developing Competencies for HR Success – Session 3  
*Online Course*  
To register, [on.ipma-hr.org/04o](http://on.ipma-hr.org/04o)

**Aug. 12 @ 1pm**  
WEBINAR: 2020 Benefits Survey Results – Operating in the New Normal  
To register, [on.ipma-hr.org/x06](http://on.ipma-hr.org/x06)

**Sept. 14-Nov.16**  
Workforce and Succession Planning – Session 2  
*Online Course*  
To register, [on.ipma-hr.org/gs7](http://on.ipma-hr.org/gs7)

**Webinars to Help You Respond to COVID-19, Foster Equity**

The newest addition to our ever-growing webinar library offers insights on how to listen and collaborate to address racism, sexism and other inequities in the workplace. This joins the many recently uploaded sessions on protecting workers and continuing operations through the coronavirus pandemic.

Your IPMA-HR membership is your free pass to stream archived versions of the following webinars and many, many others:

- Navigating Difficult Conversations in the New Normal
- Virtual Roundtable: Best Practices to Avoid Legal Issues From COVID-19
- 7 Ways to Maximize Employee Potential Through Coaching and Feedback (Sponsored by NEOGOV)
- Virtual Roundtable: Public Safety Hiring During a Pandemic
- Building World-Class Employee Engagement

- May 5, 2020 IPMA-HR Virtual Roundtable: Plans to Reopen
- The Brain Science of Shared Adversity and Resilience: Exploring the New Opportunity for Connection and Leadership
- How to Thrive and Flourish When Working in Isolation (From Home)
- In Harm’s Way: Suicide Prevention in Law Enforcement

Visit [learning.ipma-hr.org/webinars](http://learning.ipma-hr.org/webinars) and click on your choice. Do not forget that completing webinars earns you points toward recertifying as an IPMA-CP or IPMA-SCP. —X
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