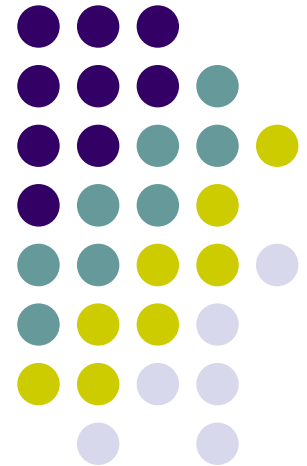


What Principal Investigators Need to Know

An Introduction to Human
Resources Concepts



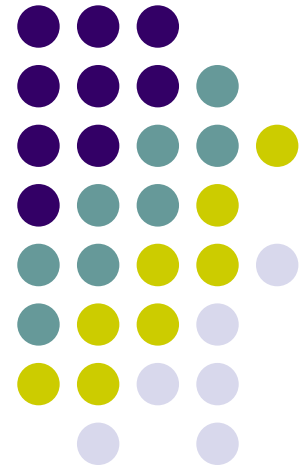


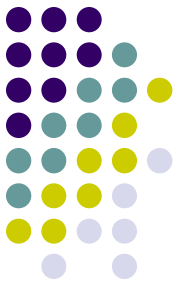
Agenda

- Welcome / Introductions
- Workplace Law Overview
- Performance Development
- Effective Documentation

Welcome / Introductions

Facilitator Introduction
Participant Introduction
Purpose / Goal of Session





Postdoc Policy

- BWH and HMS Appointments
- Postdoc Responsibilities and Obligations
- Faculty Mentorship/Career Development Responsibilities
- Annual Career Conferences *
- Term of Service
- Salary Scale
- Time Off & Leaves
- Problem Resolution Process
- Termination *
- Forms/Templates (Offer Letter)*

* ***Most relevant to today's course***



Policy Implementation



Departments are using policies, forms and documents as of January 1, 2010

http://bwhbri.partners.org/OPRC/Benefits_And_Policies.asp



“Staffing” web page



OFFICE FOR RESEARCH CAREERS (ORC)

Staffing Your Lab: A Postdoc New Hire Toolkit

GETTING STARTED:

Research Fellow Recruitment and Hiring Guidelines - COMING SOON

POSTING A POSTDOC POSITION:

If you would like to post a monthly paid postdoc position, you have the option of completing the “short” [job requisition form](#), found on the HR website along with needed forms and instructions. HR will post the position to the BWH website, where it is available to external and internal applicants. Contact the ORC if you would like to post a position on our [postdoc jobs webpage](#) and to our [LinkedIn group](#).

INTERVIEWING:

- [Staffing Your Lab: Perspectives from Both Sides of the Bench](#) and [Making the Right Moves - Chapter 4](#) from HHMI and BWF.
- [Behavioral Based Interviewing](#), an in-depth course in interviewing.
- [Introduction to HR Concepts: What PIs Need to Know](#), an introductory course in employment law, addressing appropriate and legal interview questions.

MAKING A POSTDOC JOB OFFER:

- [PI Guide to Offer Letter](#)
- [Offer Letter Template](#)
- BWH Benefit Summary Sheet for Research Fellows - COMING SOON
- [PI Guide to Statement of Training and Resources](#)
- [Statement of Training and Resources Template](#)

PREPARING FOR ARRIVAL:

- Direct candidates to the ORC's [New and Prospective Postdocs](#) webpage
- Once an offer has been accepted, send the [BWH Professional Staff New Hire Packet](#)
- [Postdoc Arrival Checklist](#)
- [FRESH Start Guide](#) - Family Resources for Ethnicities Searching for Home (FRESH)
- New Research Fellow Resource Guide - coming soon

POLICIES AND GUIDELINES FOR POSTDOCS:

- [Policies and Guidelines for Postdoctoral Fellows](#)
- [Additional forms from Postdoc Policy](#) (Annual Career Conference, Salary Exception Request, Appointment Extension Request, etc.)

FINDING STUDENTS FOR THE LAB:

- [Northeastern University Co-op Students](#)
- [Center for International Career Development](#)
- [British Universities North American Club \(BUNAC\)](#)

MANAGING YOUR STAFF:

- [Introduction to HR Concepts: What PIs Need to Know](#), an introductory course in performance management and documentation.

PREPARING FOR POSTDOC DEPARTURE:

- Once it has been determined that a postdoc is leaving BWH, please direct them to the ORC webpage for [Departing Postdocs](#)
- [Postdoc Departure Checklist](#)

GENERAL ASSISTANCE:

Contacts for assistance from HR regarding your monthly paid employees (postdocs):

- Jan Goplerud, HR Consultant, jgoplerud@partners.org or 617 582-0125
- Donelle Warner, HR Representative, dwarner2@partners.org or 617 582-0158 (employee relations and policy questions)
- Angela Carter, Benefits Specialist, acarter1@partners.org or 617 724-9357 (T, We, Th), 617 525-7637 (M,F) (employee benefits questions)

The ORC can assist and will refer as appropriate:

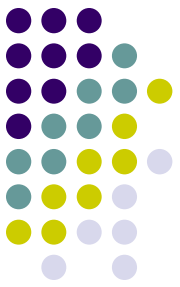
- Caroline Rotondi, Admin. Director, ORC BWHORC@partners.org or 617 525-9323

<http://bwhbri.partners.org/OPRC/Staffing.aspx>

Module 1:

Workplace Law Overview

Learning Outcomes



Upon completion of this module, you will be able to:

- Understand the interaction between internal policy and workplace law.
- Identify inappropriate conduct and behavior which may also be illegal.
- Describe and analyze situations in which the policy and law interact.
- Understand the manager's responsibility for handling complaints.

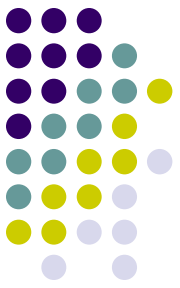
Case Study #1



Dr. Brooks hired Luciana Hernandez as a Postdoctoral Research Fellow to work in her lab in the Pediatrics Department three months ago. Luciana met with Dr. Brooks two weeks before her hire date to discuss the on boarding process and review the required documents that would be needed for new employee orientation.

Dr. Brooks is almost certain that Luciana is pregnant. Dr. Brooks is extremely concerned because Luciana never mentioned this during the interview process and she feels Luciana has betrayed her trust. Dr. Brooks interviewed a number of equally qualified researchers for this job. She now wonders if she should contact one of these researchers to inquire about their availability so the lab's research will not be delayed.

What would you do in this situation? What, if any, are some concerns that should be looked into?



The A, B, C, of Interviewing: Stay Legal

- Ask open-ended questions
 - Be aware of basic laws
 - Consistently ask the same questions
- Avoid questions related to the following:*
- Disability
 - Age
 - Religion
 - National Origin
 - Sex or Sexual Orientation
 - Color
 - Race / Ethnicity

Source: Novations Group Inc.

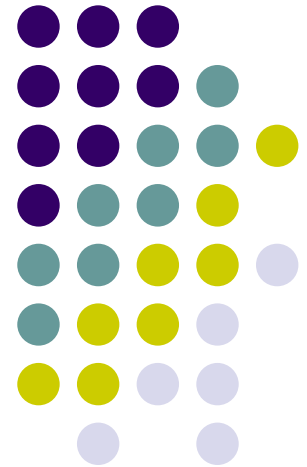
Workbook
Page #5

Case Study #1 Debrief

Workbook
Page #6

What is discrimination?

An adverse employment action or decision based on a protected status or protected conduct of employees or applicants.



Discrimination Comes In Two Forms:



- Intentional Discrimination
- “Disparate impact discrimination”
 - ❖ *Discrimination not intentional but action impacts one group more unfairly than another*

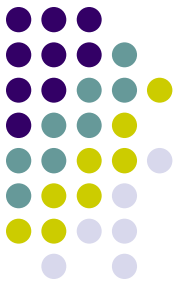
Protected Status (non-exhaustive list)



Protected factors

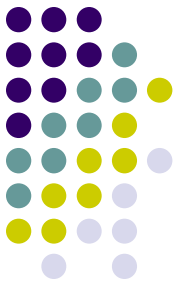
- Race
- National Origin
- Gender
- Sexual Orientation
- Age
- Marital Status
- Religion
- Disability
- Pregnancy

Workplace Law dealing with Discrimination Protection



- Title VII
- Civil Rights Act of 1991
- Americans with Disabilities Act / Americans with Disabilities Act Amendment Act (ADA / ADAAA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act (EPA)
- Uniform Services Employment and Re-Employment Rights Act (USERRA)...and more

Case Study #2



Two months ago, Leanne, a Postdoctoral Research Fellow was stunned to see a publication from a project she had worked on for three years. She completed most of the experiments and should have been first author rather than second author. Leanne has all her lab notebooks to prove her work. Now in a new lab, she has an excellent relationship with her PI. She is beginning to look for a job and really could have used that paper on her CV. Leanne will need a recommendation from her former PI, Dr. Navik. While hesitant to confront him about the authorship of this paper, she strongly feels that she should receive credit for her work. Therefore, Leanne decides to approach Dr. Downey, the Sr. VP of Research instead of approaching Dr. Navik.

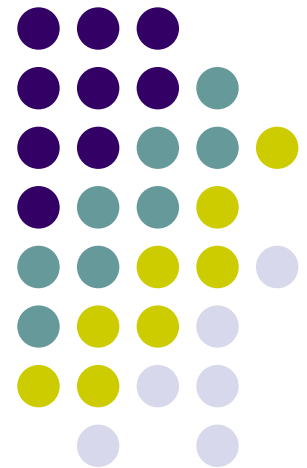
Leanne begins to apply for jobs in the genetics industry and asks Dr. Navik to be one of her references, to which he agrees. Her other two references called her to tell her they have given good references, but she has not heard from Dr. Navik. When she asked him what he had said about her, he replied, “That is a conversation between me and the company.” Leanne is beginning to think that her decision to pursue first authorship has jeopardized her career.

*Workbook
Page #7*

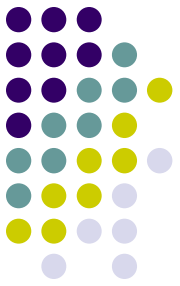
Case Study #2 Debrief

*Workbook
Page #8*

Workplace laws and internal policies provide employees protection from workplace retaliation.

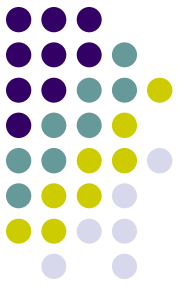


Retaliation is prohibited for engaging in protected conduct such as:



- Filing a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or Massachusetts Commission Against Discrimination (MCAD)
- Requesting a reasonable accommodation under the ADA
- Requesting leave under Family Medical Leave Act (FMLA)
- Filing a workers compensation claim
- Complaining about a violation of law

Case Study #3



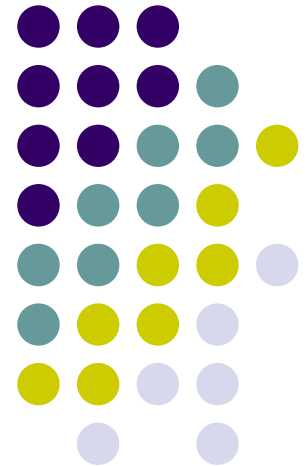
Dr. Doe works for Dr. Green in the Experimental Biology lab. For various reasons, Dr. Doe has not been productive. Dr. Green had several conversations with Dr. Doe, but he has shown little improvement. While Dr. Doe is in the third year of his five year fellowship*, Dr. Green thinks Dr. Doe will never progress and plans to proceed with a termination next week.

What is a next step for Dr. Green?

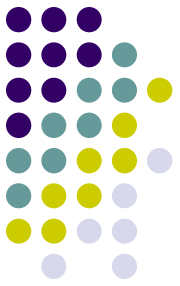
Case Study #3 Debrief

*Workbook
Page #9*

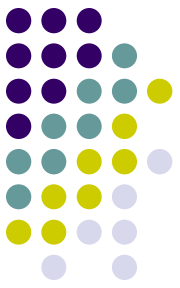
Employment-At-Will Doctrine



Employment-At-Will Doctrine



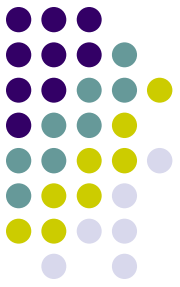
Most states, including Massachusetts, follow the Employment-At-Will Doctrine. This means employees may be terminated at any time with or without a reason that does not violate a statutorily protected right/status or breach a contract of employment.



Termination For Cause

- Policy or procedure violated or the performance expectation not being met
- Impact of the misconduct or poor performance
- Prior written or verbal discussions, corrective actions with the research staff
- Opportunity the research staff was given to improve
- Discipline imposed on other research staff
- If there are discriminatory reasons
- If there are retaliatory reasons

Case Study #4



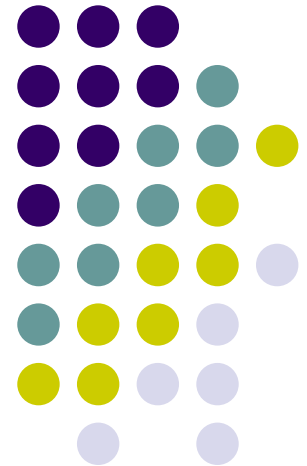
Dr. Smith is a hard working Research Fellow who has worked in the Neurology lab for five years. He is a serious researcher who receives his funding through his own grants. Dr. Kelly works near him in the lab and is known to be loud and to use profanity. He often makes negative comments to the other lab members in a sarcastic manner. One day, while Dr. Smith was presenting some of his research findings, Dr. Kelly stated “Why do you get so excited about this? Your research will never amount to anything of importance.” There have been other similar outbursts from Dr. Kelly. Dr. Smith has overheard Dr. Kelly say to another Postdoc, that he (Dr. Smith) is “not as intelligent as he thinks he is.” Up until now, Dr. Smith has simply ignored the negative comments; however, he has had enough and feels it is disrupting his work. He decides to bring this to the attention of his PI.

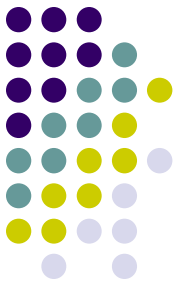
Are there any issues that should be of concern here?

Case Study #4 Debrief

*Workbook
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Workplace Harassment and Civility



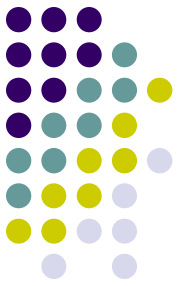


Workplace Harassment

Title VII of the Civil Rights Act of 1964:

Employers have a duty to maintain a working environment free from unlawful harassment based upon protected status.

Workplace Civility Policy



BWH does not tolerate inappropriate or intimidating behavior within the workplace. The workplace is to be free from disruptive, threatening, and violent behavior.

Civility is behavior that:

- Shows respect toward another
- Causes another to feel valued
- Contributes to mutual respect, effective communication and team collaboration

Case Study #5



Joseph, a Research Assistant, has been working in the Hancock Lab for one year. He is a hard worker who is excited about his recent increased responsibilities in the lab. However, Joseph is having a difficult time completing his work tasks, which include recruiting, evaluating potential participants for studies, and performing clinical tests in under eight hours/day. As a result, he does not have time to organize and update the data and records for analysis. He begins to work through his lunch break to keep from falling behind. When this does not resolve the issue, he decides to take some of his notes and records home with him so that he may complete his work.

Are there any issues that should be of concern here?

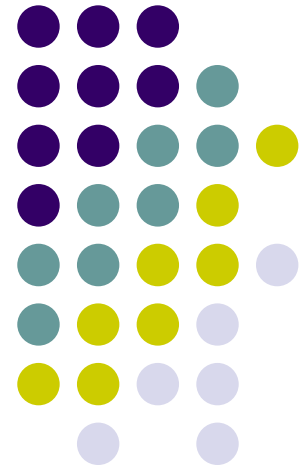
Workbook
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Case Study #5 Debrief

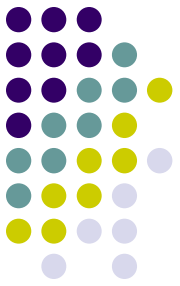
Workbook
Page #12

Fair Labor Standards Act (FLSA)

Establishes minimum wage, overtime pay, record keeping and child labor requirements for employees



Massachusetts Wage and Hour Law



Employees are to receive compensation for working time which includes:

- all time an employee is required to be on an employer's premises
- all time the employee is required to be on duty
- any time worked before or after the normal shift to complete work

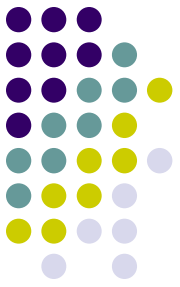


Tips and Reminders

Other personnel also has rights!

- Students
- Volunteers
- Sponsored Staff

Case Study #6



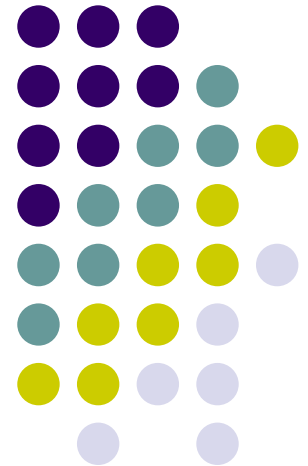
Dr. Henri, a Principal Investigator has worked in the Biology lab for four years. She has recently learned that she has ovarian cancer. After discussing treatment options with her physician, she has chosen surgery as her first method of treatment. Dr. Henri's physician informs her that if the surgery is not successful, chemotherapy will be the next option for treatment. Dr. Henri is informed that she will be hospitalized for several days and may experience side effects for several weeks following the surgery. Therefore, Dr. Henri applies for a leave of absence.

What are some considerations and/or options that Dr. Henri has now and will have upon her return to work?

Case Study #6 Debrief

Workbook
Page #14

Family Medical Leave Act (FMLA)



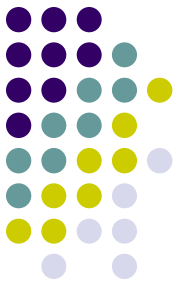
Family and Medical Leave Act (FMLA)



Sets minimum leave standards (12 weeks of leave for rolling 12 months) for employees:

- For the birth and newborn care of a child, placement of a child for adoption or foster care
- To care for an immediate family member with a serious health condition
- For the employee's own serious health condition

Family and Medical Leave Act (FMLA)



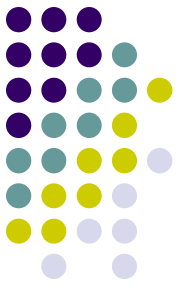
- **Military Caregiver Leave:**

Eligible employees who are a spouse, son, daughter or “next of kin” of covered service members ill or injured in the line of duty or veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment may be entitled to 26 weeks leave in a single 12 month period to care for the service member

- **Military Exigency Leave**

This provision allows eligible employees 12 weeks of leave to use for qualifying exigencies when a covered family member is on, or called to, active duty status in the National Guard or Reserves

Leave of Absence Policy



BWH recognizes that the employees may need to take an extended time away from work for a variety of reasons. BWH offers employees the opportunity to request time off, whether paid or unpaid in accordance with this policy and employment law.

Module 2:

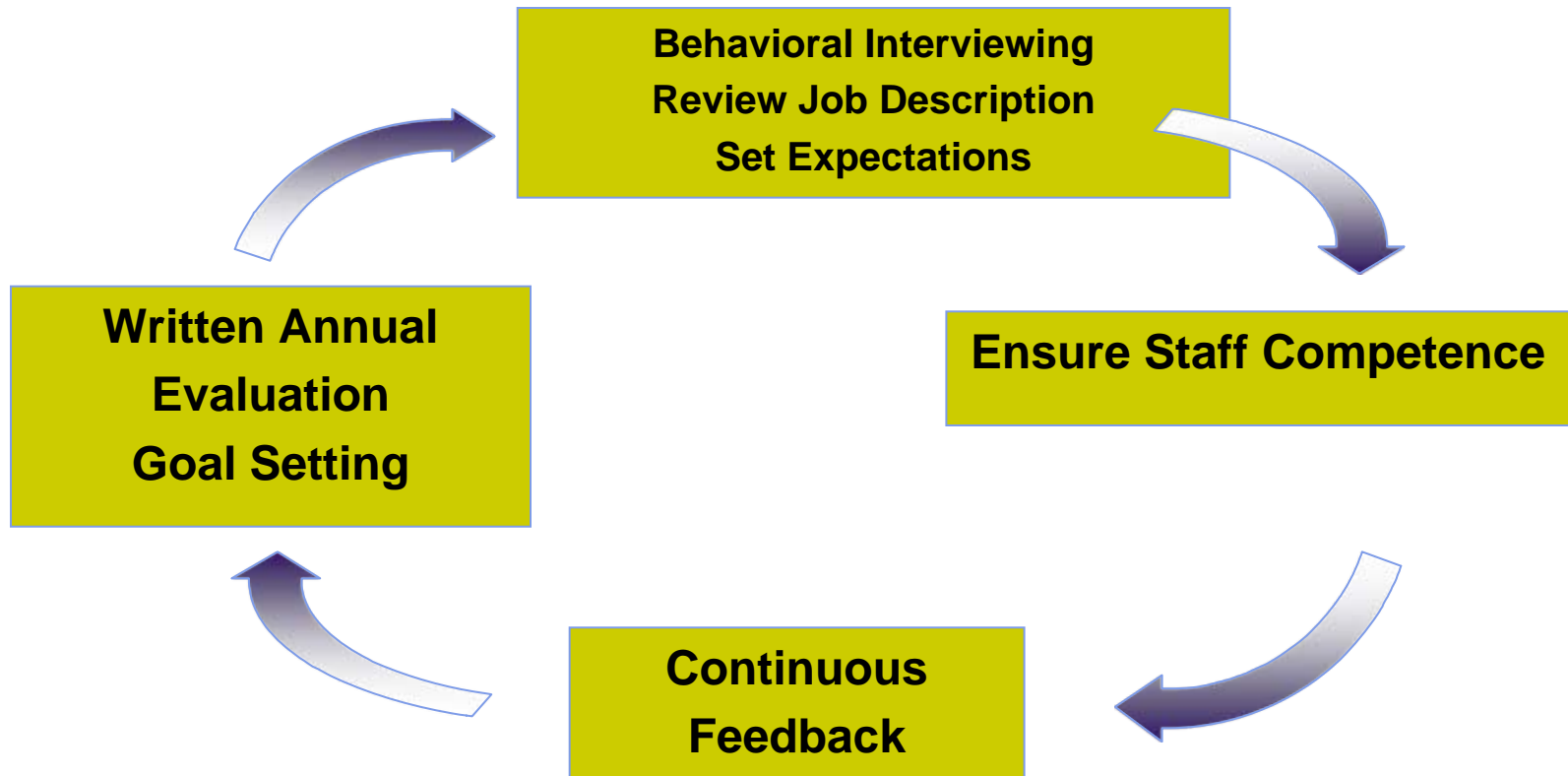
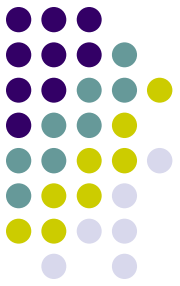
Performance Development Learning Outcomes



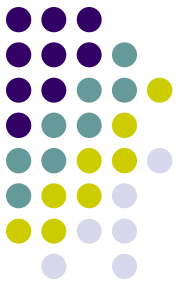
Upon completion of this module, you will be able to:

- Explain the Performance Development Process.
- Effectively provide ongoing positive and constructive feedback.
- Establish SMART goals with research staff.
- Introduce the Annual Career Conference.

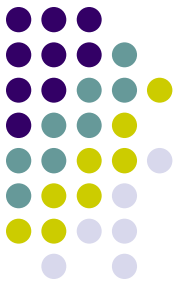
Performance Development



Role of Managers / Role of Research Staff



Role of Managers	Role of Research Staff
<ul style="list-style-type: none">● Discuss the job description● Discuss performance expectations● Track and document performance● Assist staff in setting goals● Provide frequent and timely feedback● Ensure compliance	<ul style="list-style-type: none">● Review the job description● Understand each key function and expected performance measure● Have examples of performance● Develop goals for the coming year● Remain up-to-date on compliance requirements



Feedback Fundamentals

Specific ♦ Sincere ♦ Balanced

Positive Feedback

What was said or done

Why effective

Feedback for Improvement

What was said, done, or missed

What alternative you suggest

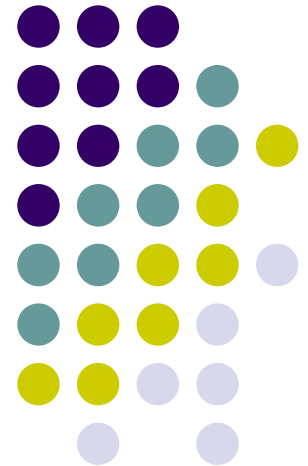
Why alternative might be better

Goals

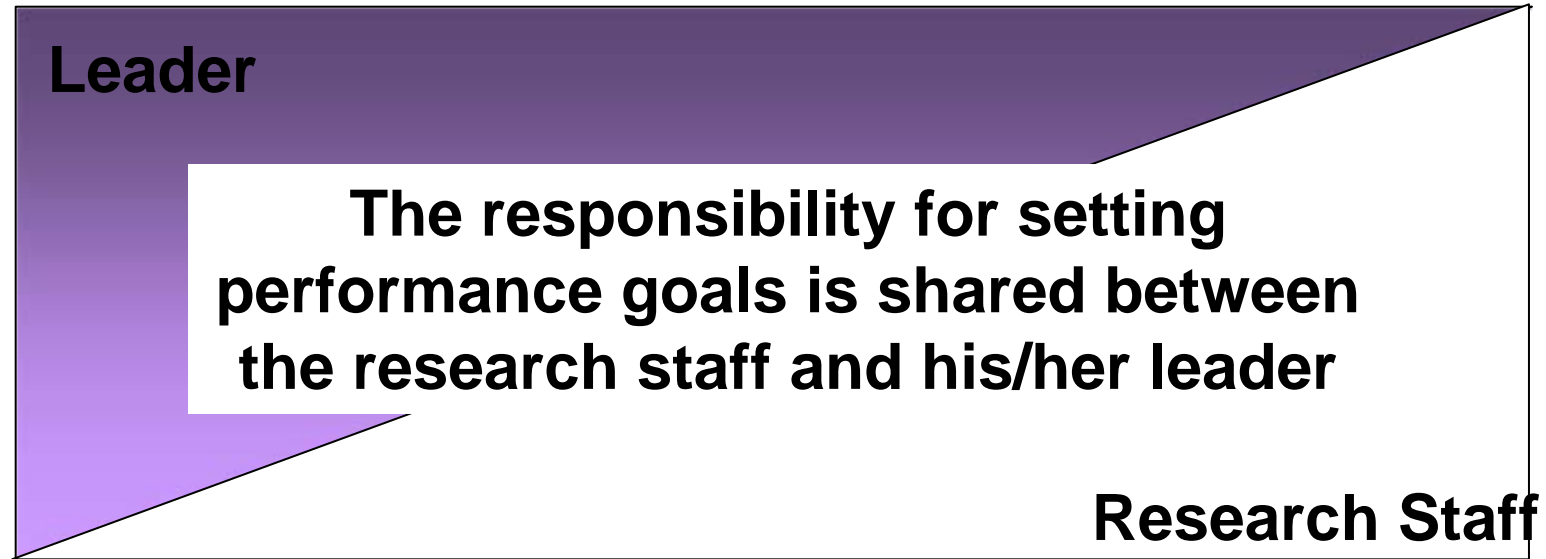
Workbook
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Goal

“Present once a month at lab meetings.”



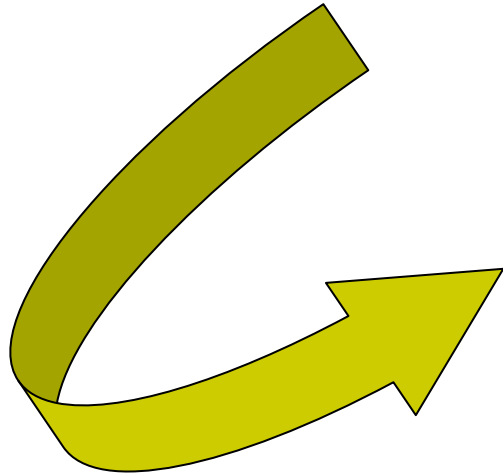
Who's Responsible for Goal Setting?



Performance Goals may be set annually and at other times as needed



Goal Setting Model



Specific

Measurable

Attainable

Realistic

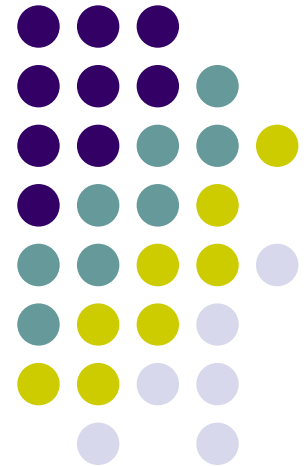
Time bound

Performance Development Case Study

Workbook
Page #20-21

Rahul has been diligently working towards obtaining the appropriate data needed to prepare his paper. He notices that Dr. Kale has become increasingly unavailable when he has questions and does not offer input regarding his research.

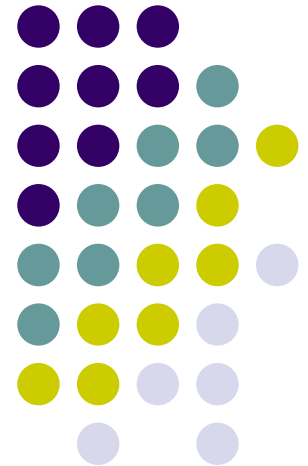
More detail in the workbook.



Performance Development Case Study Debrief

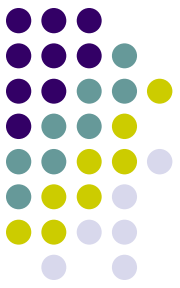
*Workbook
Page #22*

Performance Development Documentation



Module 3:

Effective Documentation Learning Outcomes



Upon completion of this module, you will be able to:

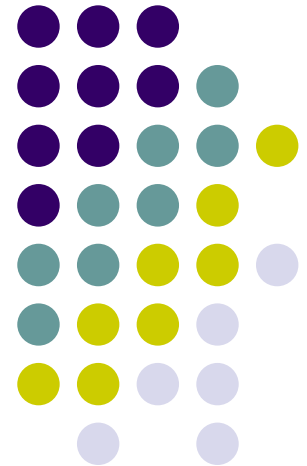
- Identify and document appropriate situations.
- Use various tools that are available for documenting.
- Use the FOSA model for effective and consistent documentation.

When to Document

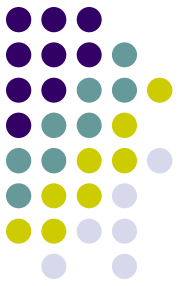
Workbook
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Typically

When the research staff has failed to perform his/her job and you have been a supportive supervisor who has tried to help the research staff succeed.



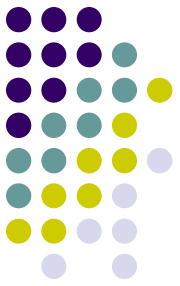
Available Tools for Documenting



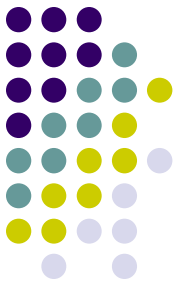
- E-mails
- Employee File (Departmental)
- Electronic File
- Incidents Journal

What do you use to document?

Effective Documenting Model

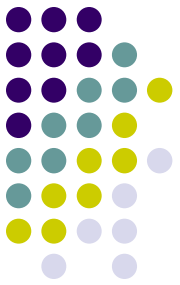


- **F**ACTS
- **O**BJECTIVES
- **S**OLUTIONS
- **A**CTION



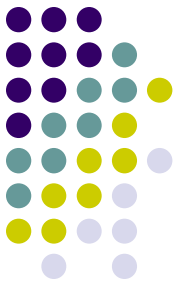
Step 1 - *Facts*

- Research Staff's Behavior
- Prior Supervisory Action
- Effects of Research Staff's Behavior
- Third Party Observations
- Research Staff's Responses



Step 2 - *Objectives*

- Describe the behavior that is expected
- Should be written in behavioral or result terms
- Involve telling what is expected



Step 3 – *Solutions*

Giving research staff solutions to improve his/her behavior may be the key to changing that behavior



Step 4 - *Action*

If an incident is serious enough to bring to a research staff's attention, the research staff needs to know:

- What action will be taken now
- What action will occur if behavior continues

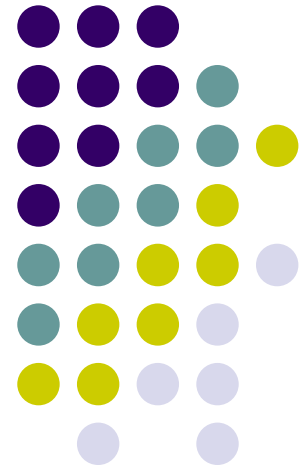
When all attempts have been made...

Workbook
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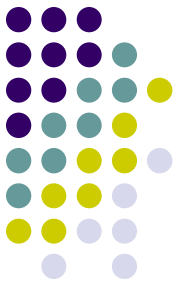
Options

Performance Improvement Plan (PIP)

Corrective Action (CA)



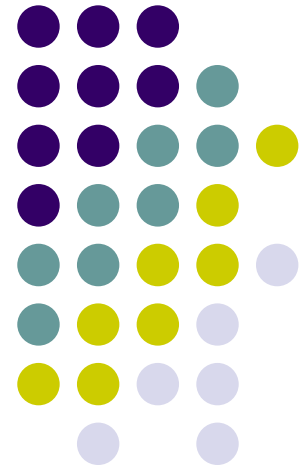
Seminar Summary & Reminders



- Understand basic employment laws, particularly:
 - *At Will, Discrimination, Harassment/Workplace Civility, Retaliation, FLSA, & FMLA*
- Be aware of key employment policies such as:
 - Recruiting and Hiring Policy # HR 104
 - Equal Employment & Affirmative Action Policy #HR 101
 - Non-Retaliation Policy # HR 103
 - Termination Policy HR-115
 - Workplace Civility Policy HR301
 - Hours of Work Policy # HR 110
 - Compensation Policy # HR 201
 - Overtime Policy # 202
 - Leave of Absence Policy # HR 403
- Document all conversations and apply the FOSA model.
- Know what documentation tools to use.
- When in doubt, always contact your HR Consultant.

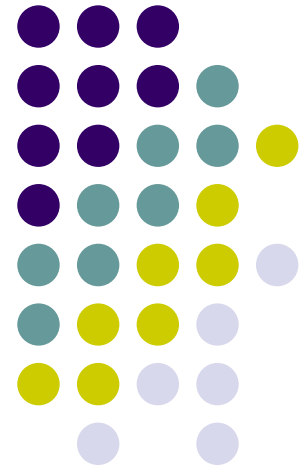
APPENDIX

Many Resourceful Information
Available



Thank you!

Your feedback is important to us.
Please take a few minutes to
complete the evaluation form.



What Principal Investigators Need to Know: *An Introduction to Human Resources Concepts*



Participant Guide



Human Resources

Organizational Development & Learning

Email: bwhtraining@partners.org

Website: <http://www.brighamandwomens.org/HumanResources/hrhomepage.aspx>



Welcome:

An Introduction to Human Resources Concepts

This seminar consists of overviews for the following topics:

- Workplace Law
- Performance Management
- Effective Documentation

Revised April, 2010

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Learning Outcomes

Upon completing this seminar, you will be able to:

- Understand the interaction between internal policy and workplace law.
- Identify inappropriate conduct and behavior which may also be illegal.
- Describe and analyze situations in which the policy and law interact.
- Understand the manager's responsibility for handling complaints.
- Navigate the Performance Development Process.
- Effectively provide ongoing positive and constructive feedback.
- Understand the difference between expectations and goals.
- Establish SMART goals with employees.
- Introduce the Annual Career Conference.
- Identify and document appropriate situations.
- Use various tools that are available for documenting.
- Use the FOSA model for effective and consistent documentation.

Purpose

This seminar has been customized to assist Principal Investigators as well as managers of research to manage and guide employees/staff members with sound knowledge of basic employment laws, human resources policies, and available documentation tools. Active participation is encouraged to facilitate learning.

Module 1: Workplace Law Overview

Learning Outcomes

- Understand the interaction between internal policy and workplace law.
- Identify inappropriate conduct and behavior which may also be illegal.
- Describe and analyze situations in which the policy and law interact.
- Understand the manager's responsibility for handling complaints.

CASE STUDY #1

Dr. Brooks hired Luciana Hernandez as a Postdoctoral Research Fellow to work in her lab in the Pathology Department three months ago. Luciana met with Dr. Brooks 2 weeks before her hire date to discuss the on boarding process and review the required documents that would be needed for new employee orientation.

Dr. Brooks is almost certain that Luciana is pregnant. Dr. Brooks is extremely concerned because Luciana never mentioned this during the interview process and she feels Luciana has betrayed her trust. Dr. Brooks interviewed a number of equally qualified researchers for this job. She now wonders if she should contact one of these researchers to inquire about their availability so the lab's research will not be delayed.

The A, B, C, of Interviewing: Stay Legal



- **A**sk open-ended questions
- **B**e aware of basic laws
- **C**onsistently ask the same questions

Avoid questions related to the following:

- **D**isability
- **A**ge
- **R**eligion
- **N**ational Origin
- **S**ex or Sexual Orientation
- **C**olor
- **R**ace / Ethnicity

Case Study #1 Debrief: Discrimination

What would you do in this situation? What, if any, are some concerns that should be looked into?

What is discrimination?

An adverse employment action or decision based on a protected status or protected conduct of employees or applicants.

Discrimination comes in two forms:

- Discriminatory Treatment
When an individual is treated differently from other applicants or employees who are similarly situated because of that individual's protected status or conduct
- Discriminatory / Disparate Impact
When an employment policy or practice unintentionally adversely affects a protected group and no legitimate business reason can be shown.

This case deals with Pregnancy Discrimination. Employers are prohibited from discriminating against applicants and employees on the basis of pregnancy.

Pregnancy, childbirth and related medical conditions must be treated in the same way as other temporary illness or conditions.

The following is a non-exhaustive list of additional protected statuses:

- Age
- Religion
- Race
- National Origin
- Gender
- Sexual Orientation
- Disability

Workplace discrimination claims most frequently arise out the following situations:

- Recruitment, application, interview process
- Failing to promote
- Performance evaluations or disciplinary actions
- Perceived hostile work environment (constructive discharge)
- Terminations or RIF (reduction in force)

Workplace Laws Containing Discrimination Protections:

- Title VII of the Civil Rights Act of 1964
- Civil Rights Act of 1991
- Americans with Disabilities Act / Americans with Disabilities Act Amendment Act (ADA / ADAAA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act (EPA)
- Uniform Services Employment and Re-Employment Rights Act (USERRA)... and more!

Internal Policies:

- Recruiting and Hiring Policy # HR 104
- Equal Employment and Affirmative Action Policy #HR 101

BWH, in compliance with Federal law does not discriminate on the basis of any of the following protected statuses: race, gender identity or expression, religion, color, national or ethnic origin, age, disability, or veteran status in hiring or employment. Additionally, BWH does not discriminate on the basis of sexual orientation.

CASE STUDY #2

Two months ago, Leanne, a Postdoctoral Research Fellow was stunned to see a publication from a project she had worked on for three years. She completed most of the experiments and should have been first author rather than second author. Leanne has all her lab notebooks to prove her work. Now in a new lab, she has an excellent relationship with her PI. She is beginning to look for a job and really could have used that paper on her CV. Leanne will need a recommendation from her former PI, Dr. Navik. While hesitant to confront him about the authorship of this paper, she strongly feels that she should receive credit for her work. Therefore, Leanne decides to approach Dr. Downey, the Sr. VP of Research instead of approaching Dr. Navik.

Leanne begins to apply for jobs in the genetics industry and asks Dr. Navik to be one of her references, to which he agrees. Her other two references called her to tell her they have given good references, but she has not heard from Dr. Navik. When she asked him what he had said about her, he replied, "That is a conversation between me and the

company.” Leanne is beginning to think that her decision to pursue first authorship has jeopardized her career.

Case Study #2 Debrief: Retaliation

What is the issue in this situation?

Anti-retaliation laws and policies prohibit employers from retaliating against employees for engaging in protected conduct – such as...

- Filing a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or Massachusetts Commission Against Discrimination (MCAD)
- Requesting a reasonable accommodation under the ADA
- Requesting leave under Family Medical Leave Act (FMLA)
- Filing a workers compensation claim
- Complaining about a violation of law

This case potentially deals with inappropriate retaliation against a staff member for reporting a violation of the PHS Research Integrity Policy.

The following workplace laws and internal policies provide employees protection from workplace retaliation.

Workplace Law:

The following statutes contain “Whistleblower” protection clauses:

- Sarbanes Oxley Act
- Occupational Safety and Health Act (OSHA)
- Title VII for the Civil Rights Act of 1964
- Civil Rights Act of 1991
- ADA
- ADEA
- EPA
- USERRA

A Whistleblower is an employee who brings the dangerous, illegal, unethical activity or practice of an employer to the attention of the proper authorities.

Internal Policy: Non-Retaliation Policy # HR 103

BWH has adopted the Partners Non-Retaliation Policy to protect individual(s) who in good faith report known or suspected inappropriate conduct or non-compliant activities.

- This reporting will not reflect negatively on the employee or his or her employment.
- Any employee who retaliates against someone for raising a good faith concern is subject to corrective action up to and including termination.

CASE STUDY #3

Dr. Doe works for Dr. Green in the Cardiology lab. For various reasons, Dr. Doe has not been productive. Dr. Green had several conversations with Dr. Doe, but he has shown little improvement. While Dr. Doe is in the third year of his five year appointment, Dr. Green thinks Dr. Doe will never progress and plans to proceed with a termination next week.

What is the next step for Dr. Green?

Case Study #3 Debrief: Termination Policy

Employment-At-Will Doctrine

Most states, including Massachusetts, follow the Employment-At-Will Doctrine. This means employees may be terminated at any time with or without a reason that does not violate a statutorily protected right/status or breach a contract of employment.

Employers in At-Will states can limit the At-Will status in various ways:

- Entering into express or implied contracts with employees
- Creating progressive discipline policies

This case deals with a limitation of the At-Will Doctrine; Dr. Doe's appointment letter may be considered an implied contract.

Therefore, in order to ensure compliance, with the At-Will Doctrine and its limitations, BWH has implemented the following termination policies:

Internal Policy: Termination Policy

Termination For-Cause:

To ensure all terminations are handled in a manner consistent with hospital policy as well as state and federal laws – first consult with your HR Consultant. The HR Consultant will ask questions and examine:

- The rule, policy or procedure that was violated or the performance expectation not being met
- The impact of the misconduct or poor performance
- Prior written or verbal discussions, corrective actions with the employee
- The opportunity an employee was given to improve
- Discipline imposed on other employees
- If there are discriminatory reasons
- If there are retaliatory reasons

Termination Not-for-Cause:

Usually a 90 day notice period is provided for reasons such as:

- Lack of funding
- Expiration of term of service
- Resignation – usually a 30 day notice period is provided

CASE STUDY #4

Dr. Smith is a hard working Research Fellow who has worked in the Neurology lab for five years. He is a serious researcher who receives his funding through his own grants. Dr. Kelly works near him in the lab and is known to be loud and to use profanity. He often makes negative comments to the other lab members in a sarcastic manner. One day, while Dr. Smith was presenting some of his research findings, Dr. Kelly stated “Why do you get so excited about this? Your research will never amount to anything of importance.” There have been other similar outbursts from Dr. Kelly. Dr. Smith has overheard Dr. Kelly say to another Postdoc, that he (Dr. Smith) is “not as intelligent as he thinks he is.” Up until now, Dr. Smith has simply ignored the negative comments; however, he has had enough and feels it is disrupting his work. He decides to bring this to the attention of his PI.

Case Study #4 Debrief: Workplace Civility

Are there any issues that should be of concern here? If so, please explain.

Workplace Harassment:

Title VII of the Civil Rights Act of 1964 provides employers have a duty to maintain a working environment free from unlawful harassment based upon protected status.

Key Points in applying workplace harassment law:

- Employers will generally be liable for the acts of their employees if the employers knew or *should* have known that such acts occurred.
- In order for it to be *illegal* harassment, the conduct must be based upon a protected status.
- Intent of the harasser does not matter.
- The test for harassment is from the viewpoint of a 'reasonable person.'
- Hostile work environment harassment must be severe and pervasive. For example, boorish behavior, unless it is repetitive, is not likely to create liability. Likewise, one incident is unlikely to create liability, unless it is particularly offensive.

An employer, however, has the right to prohibit conduct that might not meet the definition of illegal harassment as defined above. Therefore, BWH has created the following:

Internal Policies:

Workplace Civility Policy # HR 301

BWH does not tolerate inappropriate or intimidating behavior within the workplace. The workplace is to be free from disruptive, threatening, and violent behavior.

Civility is behavior that:

- Shows respect toward another
- Causes another to feel valued
- Contributes to mutual respect, effective communication and team collaboration

Anti-Harassment Policy # HR 102

Employees have a right to a work environment free from implicit and explicit behavior used to control, influence or affect the well-being of any member. Workplace Harassment is any unwelcome conduct that is based on race, color, sex, religion, national origin, disability, or any other protected class which creates a work environment that a reasonable person would consider intimidating, hostile, or abusive.

This case deals with a potential violation of the Workplace Civility Policy.

CASE STUDY # 5

Joseph, a Research Assistant, has been working in a lab in the Department of Sleep Medicine for one year. He is a hard worker who is excited about his recent increased responsibilities in the lab. However, Joseph is having a difficult time completing his work tasks, which include recruiting, evaluating potential participants for studies, and performing clinical tests in under 8 hours/day. As a result, he does not have time to organize and update the data and records for analysis. He begins to work through his lunch break to keep from falling behind. When this does not resolve the issue, he decides to take some of his notes and records home with him so that he may complete his work.

Case Study #5 Debrief: Fair Labor Standards Act

Are there any issues that should be of concern here? If so, please explain.

Workplace Law:

Fair Labor Standards Act (FLSA)

FLSA establishes minimum wage, overtime pay, record keeping and child labor requirements for employees.

Key Points under FLSA:

- Certain employees may be exempt from either or both the minimum wage and overtime requirements of the FLSA. In order to determine if an employee is exempt or non-exempt, an employer must conduct a complete analysis of the employee's job duties and responsibilities, compensation, and method of payment (hourly vs. salary).
- Overtime compensation for non-exempt employees is required for the time an employee who works over 40 hours/week even if not specifically asked to do so.
- May not make any deductions from wages except those required/allowed by law or agreed to by the employee, in writing.

Massachusetts Wage and Hour Law:

- Employees are to receive compensation for working time which includes:
 - all time an employee is required to be on an employer's premises
 - all time the employee is required to be on duty
 - any time worked before or after the normal shift to complete work

- Employees working six hours in a work day are entitled to a 30 minute unpaid meal period.
- Terminated employees are to be paid in full on the day of discharge

This case deals with a potential violation of overtime and meal period wage and hour laws.

Internal Policies:

- Hours of Work Policy # HR 110
- Compensation Policy # HR 201
- Overtime Policy # 202

These policies set forth the procedures for compensation and time recording of non-exempt and exempt employees.

Tips and Reminders



Other personnel also has rights!

- Students
- Volunteers
- Sponsored Staff

CASE STUDY # 6

Dr. Henri, a Principal Investigator has worked in the Channing Lab for 4 years. She has recently learned that she has ovarian cancer. After discussing treatment options with her physician, she has chosen surgery as her first method of treatment. Dr. Henri’s physician informs her that if the surgery is not successful, chemotherapy will be the next option for treatment. Dr. Henri is informed that she will be hospitalized for several days and may experience side effects for several weeks following the surgery. Therefore, Dr. Henri applies for a leave of absence.

Case Study #6 Debrief: Family Medical Leave Act (FMLA)

What are some considerations and/or options that Dr. Henri has now and will have upon her return to work?

Workplace Law:

Family and Medical Leave Act (FMLA)

Sets minimum leave standards (12 weeks of leave for rolling 12 months) for employees for the birth and newborn care of a child, placement of a child for adoption or foster care, to care for an immediate family member with a serious health condition, and for the employee's own serious health condition.

Military Caregiver Leave: Eligible employees who are a spouse, son, daughter or "next of kin" of covered service members ill or injured in the line of duty or veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment may be entitled to 26 weeks leave in a single 12 month period to care for the service member.

Military Exigency Leave: This provision allows eligible employees 12 weeks of leave to use for qualifying exigencies when a covered family member is on, or called to, active duty status.

Key Points:

- Must meet eligibility criteria (one year of employment and 1250 hours worked in previous 12 months)
- Medical certification of serious health condition is required, if applicable
- Restricted to immediate family members – parent, spouse, domestic partner, , child, step-child, adopted child, foster child and child(ren) for which an employee has legal and/or daily responsibility and who are generally under the age of 18

This case deals with the employer's obligation to provide family medical leave.

Internal Policy:

Leave of Absence Policy # HR 403

BWH recognizes that the employees may need to take an extended time away from work for a variety of reasons. BWH offers employees the opportunity to request time off, whether paid or unpaid in accordance with this policy and employment law.

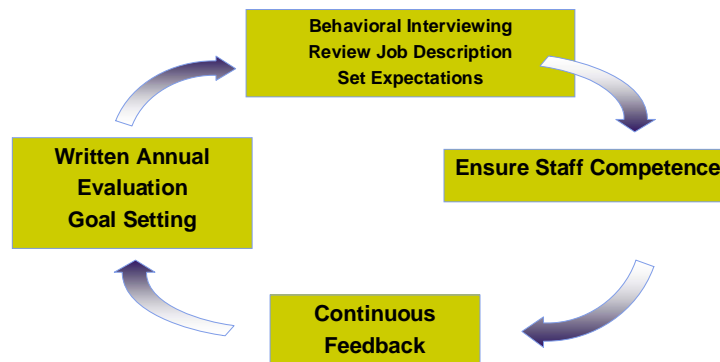
Module 2: Performance Development

Learning Outcomes

Upon completion of this module, you will be able to:

- Navigate the Performance Development Process.
- Effectively provide ongoing positive and constructive feedback.
- Establish SMART goals with employees.
- Introduce the Annual Career Conference.

Performance Development



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Performance Development

Performance management is an ongoing, continuous process. Although there may be a logical starting point, there should not be an end point. As the diagram on the previous page demonstrates, performance development consists of key elements such as:

- Behavioral interviewing
- Reviewing the job description
- Setting expectations
- Ensuring staff competencies
- Providing continuous feedback
- Goal setting
- Written annual evaluation

Role of the Manager

Effective performance development begins during the interviewing process. As managers, one must interview candidates according to standards, expectations, and competencies established within the scope of the job description. Managers must clearly communicate this to candidates and ensure that candidates are offered equal opportunities to be considered.

Upon hire, managers are responsible for providing continuous positive and constructive feedback to employees. Feedback discussions may pertain to concerns or compliments on established expectations or goals. Feedback should always be frequent and timely.

Finally, managers are responsible for ensuring compliance with employment laws as well as internal policies. When non-compliance occurs, the incident(s) should be tracked and documented.

Role of Employee/Staff Members

While the bulk of the responsibility for performance development lies on the managers, staff members must also take responsibility and ownership of one's own development. They must be familiar with their job description and understand each key function and expected performance measures associated with it. Staff members should also have examples of performance available for the written annual evaluation. They should be prepared to play a pivotal role in developing goals for the coming year. Finally, staff members are expected to remain up-to-date on compliance requirements and always ensure adherence.

Feedback Fundamentals



Specific ♦ Sincere ♦ Balanced

Positive Feedback

What was said or done
Why effective

Feedback for Improvement

What was said, done, or missed
What alternative you suggest
Why alternative might be better

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The model above speaks to the importance of providing ongoing feedback.

Ongoing feedback is essential for effective performance development. Feedback must always be specific, sincere, and balanced. In being specific, feedback must point out those actions taken or not taken and how it was either effective or not effective. Ensuring that the feedback is sincere means that it should add value and serve as a learning opportunity for the employee. Good feedback should also be balanced. For managers, this means offering both positive and constructive feedback. However, this does not mean that both must be offered at the same time. It is good practice to separate positive feedback from constructive feedback. The separation of these two types of feedback helps to ensure employee attentiveness to the important message at hand.

Learning Exercise

- Find a partner and prepare to provide feedback to each other.
- One act as a manager, the other act as the staff member.
- Identify an issue that you would like to provide constructive feedback on.
- Use the feedback fundamentals model above to provide feedback.

Things to Remember

Effective feedback does not have to take hours. Effective feedback can be as quick and meaningful in less than two minutes. While it is easy to point out the good or the bad, it's always difficult for managers to provide an alternative and clear explanation. Therefore, one should not forget to include this in the feedback they provide.

Goal

“Answer incoming calls by the second ring, daily.”

Goals

Workbook
Page #18

Goal

“Present once a month at lab meetings.”

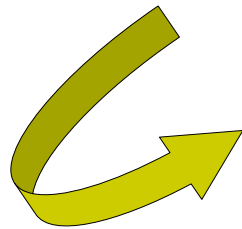


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Goal setting should be shared between the leader and the staff member. Performance goals can be set annually and at any other time as needed. There are some other times when you can set performance goals. These may include:

- At the beginning of a new project
- When we get new responsibilities (in same job or a new job)
- When we recognize a developmental need

Goal Setting Model



Specific
Measurable
Attainable
Realistic
Time bound

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There is a very user-friendly model that managers can use when establishing goals with employees.

First, the goal must be specific. Meaning, it should speak to a particular task or duty.

Second, it needs to be measurable. It is very important for employees to know what specific goal(s) they have. They also need to know how to measure achievement of these goals. Sometimes managers like to set stretch goals. While that is okay, it should not become common practice.

Third, it is important that goals established for employees are attainable and realistic. By setting goals that are achievable, managers are setting employees up for success.

Lastly, managers need to ensure that goals are time-bound, meaning; there is a set date by which the goal needs to be attained.

Learning Exercise

- Review the case study assigned on the following pages and prepare for a large group discussion

PERFORMANCE DEVELOPMENT CASE STUDY #1

Background

Dr. Anita Kale is a Principal Investigator who began her lab in the Neurology Department on 4/01/07. Rahul was hired on 5/01/07 as a Postdoctoral Fellow to work in Dr. Kale's lab. There are four additional Postdoctoral Fellows who were all hired between 4/15/07 and 5/15/07.

Scenario

Dr. Kale notices that while the four other Fellows in her lab have each made significant progress in preparing their first paper, Rahul is far behind with his experiments and research. Dr. Kale is extremely busy running this lab and has been assisting those Fellows who are preparing to publish a paper with grant writing. She is excited with the potential of their research abilities and confident the lab is on its way to meeting their research goals. But every time she approaches Rahul, he appears distracted. Rahul has taken several mornings off recently and frequently leaves early. This is taking a toll on the rest of the lab, and Dr. Kale is really getting frustrated; she has never had to deal with issues like this.

About six months after Rahul was hired, he arrives to work mid afternoon due to personal family matters. Dr. Kale calls him into her office to explain that due to his lack of productivity in the lab, Rahul is to finish out the month and then his appointment will be terminated. Rahul, shocked and deeply distressed, explains that this will not only jeopardize his Visa, but will also look bad on his curriculum vitae, therefore threatening his career in research. Rahul pleads for another chance to improve his research. Dr. Kale is unresponsive and dismisses Rahul from her office.

PERFORMANCE DEVELOPMENT

CASE STUDY #2

Background

Dr. Anita Kale is a Principal Investigator who began her lab in the Neurology Department on 4/01/07. Rahul was hired on 5/01/07 as a Postdoctoral Fellow to work in Dr. Kale's lab. There are four additional Postdoctoral Fellows who were all hired between 4/15/07 and 5/15/07.

Scenario

Rahul has been diligently working towards obtaining the appropriate data needed to prepare his paper. He notices that Dr. Kale has become increasingly unavailable when he has questions and does not offer input regarding his research. Dr. Kale seems to spend a considerable amount of time with the other fellows assisting them with their grant writing. Rahul feels the lack of support is jeopardizing his ability to publish his first paper. When Rahul approaches Dr. Kale with his concerns, Dr. Kale states "you should spend your time concentrating on your own research rather than the business of the other Postdocs." Over the next several months, Rahul continues to feel overlooked.

About 5 months later, Rahul arrives to work a few hours later than usual due to personal family matters. Dr. Kale calls him into her office to explain that due to his lack of productivity in the lab, Rahul is to finish out the month and then his appointment will be terminated. Rahul, shocked and deeply distressed, explains that this will not only jeopardize his Visa, but will also look bad on his curriculum vitae, therefore threatening his career in research. Rahul pleads for another chance to improve his research. Dr. Kale is unresponsive and dismisses Rahul from her office. Consumed with fear and worry, Rahul returns to the lab but is unable to conduct any productive experiments. He concludes that the PI must have something personally against him and Rahul considers what his options are.

Case Study Debrief

What is the situation? What, if any, are some concerns that should be looked into? What, if any, policies and/or laws might some of the issues or action violate? What suggestions do you have?

General topics the case impacts:

- Performance development/evaluation
- Effective documentation (*next module*)

Key Points

- Managers should offer support to all staff members, equally.
- It is important for managers to be present for employees.
- Performance development concerns should be addressed on an ongoing basis, not only at the time when the situation has reached its peak and the manager feels the only alternative is termination.
- Upon addressing concerns with staff members or relaying positive feedback to employees, managers should document all discussions.

Module 3: Effective Documentation

Learning Outcomes

Upon completion of this module, you will be able to:

- Identify and document appropriate situations.
- Use various tools that are available for documenting.
- Use the FOSA model for effective and consistent documentation.

Overview

Properly documenting policy violations of your employee's performance is critical to your success as a supervisor/manager. As the number and cost of employment lawsuits increases, managers are becoming more aware of the need to properly document the behavior of employees and the interactions that occur between them and the employee. If documentation is not sufficient, managers may find it difficult to gain the support of their management team to discipline and/or terminate a problematic employee.

The focus of this section is to provide the necessary tools required for formally recording interactions and discussions that occur between managers and his/her employees throughout the coaching and discipline process.

In order to properly document performance or disciplinary issues, managers must place themselves in a position to be objective about the behavior of their employees. Being objective requires managers to separate emotions and feelings from the situation and look at the circumstances and the facts related to them before taking any action. Effective documentation is written so that the reader of the document (your boss, the employee, a court) will conclude:

- The employee has failed to perform his/her job and
- You have been a supportive supervisor who has tried to help the employee succeed.

Remember, documentation must be objective, accurate, factual and complete.

Available Tools for Documenting



- E-mails
- Employee File (non-HR)
- Electronic File
- Incidents Journal

What do you use to document?

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After managers have had a discussion with employees on something good or bad, it could be helpful to summarize the discussion in an e-mail. If you grant permission for someone to view your outlook mails (e.g. your assistant), you may want to ensure some level of confidentiality when using this method. Managers can then drag that sent e-mail to their employee outlook folder for that employee. Others have also created a personal folder for each employee they supervise. The important thing to remember when doing this is to ensure that the folders are only accessible to you, as the manager, and is always kept under lock & key. An electronic file is a tool used by managers who would rather recap all of their employee discussions by typing up their notes and saving it to their hard-drive. And lastly, an incidents journal is used by those who prefer to keep all employee discussions documented in one place. In this case, the manager keeps a journal of these incidents in a notebook of some sort. Later the manager can refer to their notebook as needed

No matter what method of documentation you use, it's very important to always include the date, time, location, and all those involved.

Effective Documenting Model



- **F**ACTS
- **O**BJECTIVES
- **S**OLUTIONS
- **A**CTION

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One of the most difficult parts of documenting performance and behavior is developing a consistent format. However, this difficulty can be solved by remembering that the documentation of discussions that managers have with employees can be broken down into four parts.

1. **FACTS**
2. **OBJECTIVES**
3. **SOLUTIONS**
4. **ACTION**

STEP 1: FACTS

Facts are specific observations; not conclusions, assumptions, or probabilities. They are objective statements about what you or others saw, heard or touched as it relates to an employee's behavior. Facts include your conversations with an employee, plus prior objectives, prior solutions and prior actions, if any. Facts, when objectively written would allow the reader to draw the same conclusion that you, the manager has drawn in working with the employee.

There are **five types of facts** that managers should look for and document:

1. Employee's Behavior

An accurate, objective assessment of your Employee's behavior is critical to effective documentation. What, when, where, and how an employee behaves on the job are important facts that must be objectively documented to demonstrate why the employee has not lived up to his/her stated performance expectations.

2. Prior Supervisory Action

In writing Corrective Actions, managers should include all previous performance objectives, counseling sessions, training and verbal warnings. If you have not recorded such events, it will be difficult, if not impossible, to document them in a later more severe action. Successful progressive discipline depends upon managers carefully documenting the behavior of their employees as well as documenting each counseling, coaching and disciplinary action that was taken with the employee.

3. Effects of Employee's Behavior

The cost or impact of an employee's behavior is an important fact in documenting what has happened. Numbers, dollar amounts, and/or pictures help to objectively show the consequences of the employee's behavior.

For Example:

"Your repetition of the experiment 12 times has delayed the project by four weeks, and has cost us extra for the additional reagents".

This type of statement included in the facts of a Corrective Action shows objectivity and may be viewed by all as a measurable result and reflects clear documentation.

4. Third Party Observations

Third parties may sometimes be more credible than either the employee or the supervisor. If there is another person around who observed the incident, managers should get a signed and dated statement from that person. If a signed statement is not practical, then the manager should have a witness present when the third party tells his/her story. The third party should provide the following information [what they saw, heard, felt, or touched]. This type of fact can support the action that will be taken by the manager.

5. Employee Responses

If the employee is confronted with behavior known to you, he/she either has to admit it and explain or deny that it happened at all. In either case, the employee has committed to one final version of what he/she did. If the employee tells the truth, it is the first step in changing his/her behavior.

STEP 2: OBJECTIVES

Objectives describe the behavior that you expect the employee to exhibit. Objectives should be written in behavioral terms or result terms and are therefore easy to understand.

Objectives also involve telling the employee what is expected on the job. Once the facts regarding a policy violation or performance problems are known, it is the manager's responsibility to tell the employee how the behavior needs to change. While supervisors frequently assume that employees know, or should know, what to do on the job, unless employees are told what is expected, they cannot be held responsible. However, even if the employee does know what is expected, managers cannot prove it without documentation. When you correct the employee's behavior you must either:

- (1) Give the employee a specific behavior pattern to follow or
- (2) Set a specific result for the employee to achieve.

For example:

- "PI and Postdoc will meet weekly, and the Postdoc should come to the meeting prepared with complete lab notebooks, analyzed results and a plan for the next two weeks".

STEP 3: SOLUTIONS

Solutions are offered to help the employee meet the objectives that you have established. Giving the employee solutions to improve his/her behavior may be the key to changing that behavior. In addition, if you can show that you offered your employee help to improve their behavior, you eliminated the suspicion that you were out to get them. (Remember, the time to create and collect documentation on an employee is before taking corrective action.)

Documenting in this manner may also improve your credibility with your boss and with outsiders that might get involved in alleged wrongful termination claims.

STEP 4: ACTIONS

Action – documenting the action that you intend to take if your employee does not meet your objectives. If an incident is serious enough to bring to an employee's attention, then you need to let him/her know two things:

- What action you are taking now and
- What action will occur if the behavior does not change

For Example: If the employee is being given a warning notice, then the employee must be told that he/she is receiving a Verbal warning notice, and if the behavior doesn't correct itself, the next step will be a Written Warning. If the employee is being counseled for performance, you would want to also include a schedule of follow-up meetings to review the performance.

When all attempts have been made...

Options

- (PIP) Performance Improvement Plan
- (CA) Corrective Action



Commitment to our People and Community

There comes a time when managers may feel that they have done all they can do to support and guide their employees for improved performance. Managers have effectively and consistently documented discussions. They also feel that they have provided continuous feedback to their employees. In the end, managers may feel that their hands are tied and cannot seem to find another tool to make things fair and right. This is when managers need to familiarize themselves with these two very important tools:

1. The (PIP) Performance Improvement Plan
2. The (CA) Correction Action

When comparing the two tools side by side, managers can see that the tools each serve their own purpose, and are used for rather different reasons.

(PIP) Performance Improvement Plan	(CA) Corrective Action
<ul style="list-style-type: none"> • Used to address “performance” issues <p>E.g. “Prepare one manuscript per year.”</p> <p>“Maintain familiarity with the current scientific literature.”</p>	<ul style="list-style-type: none"> • Used to address “behavioral” issues <p>E.g. “A Postdoc should notify the PI if they are going to be late for a meeting to try to modify the schedule.”</p>
<ul style="list-style-type: none"> • Time-bound 	<ul style="list-style-type: none"> • Time-bound
<ul style="list-style-type: none"> • Formal documentation outlining performance concerns in one document 	<ul style="list-style-type: none"> • Formal Documentation with 3 steps: <ul style="list-style-type: none"> ○ Verbal warning ○ Written verbal warning ○ Final written warning

Blank forms for each tool are available in the appendix.

Seminar Summary and Reminders

To effectively manage and lead a diverse workforce, managers should at least understand basic employment laws, particularly:

- *Employment At Will*
- *Discrimination*
- *Harassment/Workplace Civility*
- *Retaliation*
- *FLSA (Fair Labor Standards Act)*
- *FMLA (Family Medical Leave Act)*

Managers should also be aware of key employment policies such as:

- Recruiting and Hiring Policy # HR 104
- Equal Employment & Affirmative Action Policy #HR 101
- Non-Retaliation Policy # HR 103
- Termination Policy HR-115
- Workplace Civility Policy HR301
- Hours of Work Policy # HR 110
- Compensation Policy # HR 201
- Overtime Policy # 202
- Leave of Absence Policy # HR 403

In the end day, no matter what knowledge managers may have about the employment laws and/or internal employment policies, managers should also consistently document all conversations and apply the FOSA model. In addition, one should have awareness of the various effective documentation tools that are available to them and when in doubt, always contact the HR Consultant.

Appendix

Blank Corrective Action Process Form



CORRECTIVE ACTION PROCESS FORM

EMPLOYEE

EMPLOYEE ID #

DEPARTMENT

SUPERVISOR

CORRECTIVE ACTION STEP:

Date of Discussion: _____

- Verbal Counseling
- Written Warning
- Written Final Warning

PREVIOUS CORRECTIVE ACTION IN PAST 12 MONTHS:

- Verbal Counseling (date) _____
- Written Warning (date) _____
- Written Final Warning (date) _____

DESCRIPTION OF CONCERNS/POLICY VIOLATION:

CORRECTIVE ACTIONS REQUIRED:

Follow up date: _____

The purpose of Corrective Action Process is to identify concerns or policy violations and to establish a process for correction of such concerns. This process requires commitment to improvement. Failure to achieve satisfactory performance or to resolve problems may lead to further steps of Corrective Action Process or discharge.

EMPLOYEE SIGNATURE

DATE

SUPERVISOR SIGNATURE

DATE

DIRECTOR SIGNATURE

DATE

WITNESS SIGNATURE

DATE

____ Copy given to Employee

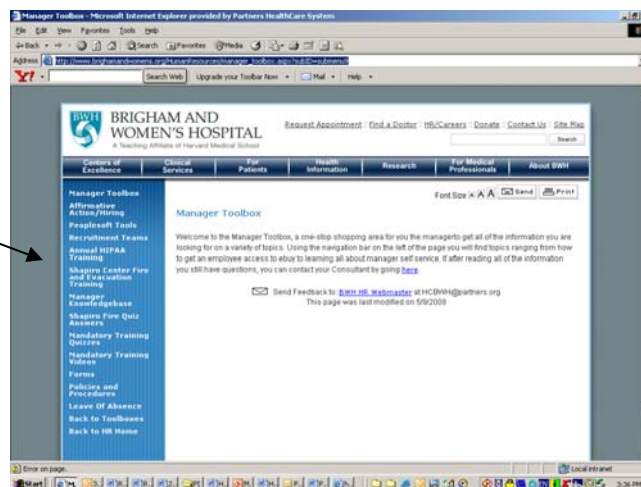
____ Original sent to Human Resources

Available Resources

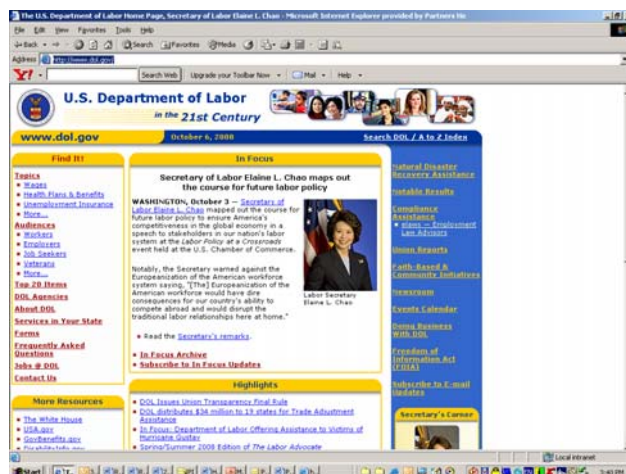
BWH HR Manager Toolbox

http://www.brighamandwomens.org/HumanResources/manager_toolbox.aspx?subID=submenu9

The Manager Toolbox is a one-stop shopping area for you the manager to get all of the information you are looking for on a variety of topics. Using the navigation bar on the left of the page you will find topics ranging from how to get an employee access to e-buy to learning all about manager self service. If after reading all of the information you still have questions, you can contact your Consultant.



The Department of Labor – where you will find the latest employment law updates / changes. <http://www.dol.gov/>



Annual Career Conference Information

INTRODUCTION AND OBJECTIVES

The Office for Postdoctoral and Research Careers (OPRC) and the Postdoctoral Advisory Committee (PAC) have developed the Annual Career Conference (ACC) Form, as a tool to facilitate the important conversations between Faculty Advisors and Postdoctoral Fellows, which are integral to the postdoctoral training experience.

The ACC Form provides a structured format and an opportunity for the Postdoctoral Fellow to discuss recent accomplishments, current career goals and future plans for professional development with his/her faculty mentor and obtain feedback regarding progress and training. The outcome of the ACC should be a clear and mutually agreed upon plan for the upcoming year.

Given that Postdoctoral Training at BWH should be completed in a 5-year period, Annual Career Conferences between the Faculty Advisor and the Postdoctoral Fellow should take place according to the following timeline:

After 1 year at BWH:	Recommended
After 2 years at BWH:	Expected
After 3 years at BWH:	Required
After 4 years at BWH:	Required, and should include a review of career plans and other possible career pathways at BWH. Human Resources and the OPRC are available for guidance and assistance with career pathways at BWH. At this time, the faculty mentor and the Postdoctoral Fellow may agree that the best course of action is to request a one year extension*.
After 4.5 years at BWH:	The faculty mentor should submit a letter with a plan of action to the department chair*.

See specific step by step instructions for the both the Postdoctoral Fellow (page 2) and the Faculty Advisor (page 3) included here.

The OPRC and Human Resources are available to assist with any questions regarding the purpose of the ACC, and/or the use of the ACC Form.

** Please refer to the complete list of policies which apply to postdoctoral fellows at BWH regarding appointments, and extensions to appointments.*

INSTRUCTIONS

FOR POSTDOCTORAL FELLOWS

1) **IDENTIFY YOUR FACULTY ADVISOR:** Depending upon the lab environment, this will be your primary faculty advisor, or a mentor identified in the environment, as most appropriate for this role.

2) **PRE-MEETING:** The postdoctoral fellow should introduce the ACC form, including this introduction and instructions, and initiate the ACC meeting with his or her faculty advisor.

- **PREPARE THE ACC FORM:** It is estimated that preparing this form will take less than an hour and should be completed to the best of your ability prior to your scheduled meeting. *Not all areas may apply to all postdoctoral fellows, and some may be more applicable to senior postdocs than to new or junior postdocs.*
 - Complete Parts 1-4 of the ACC Form. Include goals as identified in prior year's ACC if applicable. Leave blank spaces where indicated for feedback and comments from your faculty advisor in Parts 2, 3, & 4. *The form can be expanded or collapsed to allow for as many pages as appropriate for your needs.*
 - Save the document as "*Your name_ACC_2008.doc*"
 - ATTACHMENTS - If you are required to prepare an annual progress report in support of funding and/or fellowship awards (e.g., NRSA), please attach a copy of the updated version to this form and only fill out those sections not addressed otherwise. Other required attachments are your CV (in HMS format if available) and your NIH bio-sketch.
 - Email the completed ACC Form and all attachments to your pre-identified Faculty Advisor before the meeting.

3) **DURING MEETING:** You and your faculty mentor should review the completed ACC Form during the meeting. This form is intended to guide the conversation, and to document goals and progress. You and your faculty advisor should sign this form at the end of the meeting.

4) **POST-MEETING:** For your records and for your research and career planning, you should obtain a copy of the form which has been signed by both you and your faculty advisor. The ACC is intended to be a working document which you maintain and update as you make progress and attain your goals, in addition to being a guide as you move forward.

INSTRUCTIONS

FOR FACULTY MENTORS

1) **PRE-MEETING:** The postdoctoral fellow should introduce the ACC form to you, including this introduction and instructions, and initiate the ACC meeting with you.

- **PREPARE THE ACC FORM:** It is estimated that preparing this form will take the postdoctoral fellow less than an hour prior to your scheduled meeting. *Not all areas may apply to all postdoctoral fellows, and some may be more applicable to senior postdocs than to new or junior postdocs.*
 - The Postdoctoral Fellow will save the document as “*Postdocname_ACC_2008.doc*” and send it to you via email along with the required attachments before the meeting.
 - Complete the sections indicated for your feedback and comments in Parts 2, 3 & 4, in response to the Postdoctoral Fellow’s comments. *The form can be expanded or collapsed to allow for as many pages as appropriate for your needs.*
 - **ATTACHMENTS** - If the Postdoctoral Fellow is required to prepare an annual progress report in support of funding and/or fellowship awards (e.g., NRSA), he/she will attach a copy of the updated version to this form and only fill out those sections not addressed otherwise. Other required attachments are the CV (in HMS format if available) and an NIH bio-sketch.

2) **DURING MEETING:** You and your postdoctoral fellow should review the completed ACC Form during the meeting. This form is intended to guide the conversation, and to document goals and progress. You and your postdoctoral fellow should sign this form at the end of the meeting.

3) **POST-MEETING:** For your records and for your research and career guidance, you should obtain a copy of the form which has been signed by both you and your postdoctoral fellow. The ACC is intended to be a working document which the postdoctoral fellow maintains and updates as progress is made and goals are attained, in addition to being a guide for the fellow as he or she moves forward.

PART 1 – GENERAL INFORMATION

NAME/DEGREE:		DATE:
EMAIL:	EMPLOYEE ID:	
DEPARTMENT:		
NUMBER OF YEARS AS A POSTDOCTORAL FELLOW AT BWH: __ 1 __ 2 __ 3 __ 4 __ 5 __ 5+		
FACULTY ADVISOR/MENTOR:		
COMMENTS:		

ATTACHMENTS:

- FELLOWSHIP/FUNDING PROGRESS REPORT (IF APPLICABLE)**
- CURRICULUM VITAE (IN HMS FORMAT)**
- NIH BIOSKETCH**

PART 2 – RESEARCH CAREER PROGRESS IN THE PAST YEAR:

1.) Goals from previous year, and progress toward meeting these goals (cut and paste from previous ACC form if applicable):
2.) Are there any reasons why you did not meet these goals?
3.) Research Activities – <i>Highlight major new additions to your CV here</i> (Publications, presentations, patents issued or filed, funding, fellowships, committee membership, and awards) :
4.) Professional Activities - Teaching, Mentorship Activities, Supervisory Responsibilities, and other (e.g., Lab citizenship, Teamwork & Collaborations.):
5.) Research Accomplishments – examples of significant scientific progress, data, breakthroughs, or obstacles you have overcome:
<i>FACULTY MENTOR’S COMMENTS/ADVICE ON RESEARCH FELLOW’S PROGRESS:</i>

PART 3 – RESEARCH CAREER GOALS FOR THE UPCOMING YEAR:

1.) Research Activities - anticipated publications (with proposed titles and expectations of authorship) and their current status (in progress, submitted, under review, etc.), any patent applications pending, anticipated attendance at national or professional meetings, plans to apply for funding or fellowships, committee memberships, awards, etc.:

2.) Professional Activities - Teaching, Mentorship Activities, Supervisory Responsibilities, and other (e.g., Lab citizenship, Teamwork & Collaborations,):

3.) Research Goals – examples of significant scientific obstacles to be overcome or area of focus:

FACULTY MENTOR’S COMMENTS/ADVICE ON RESEARCH FELLOW’S GOALS:

PART 4 – CAREER GOALS & PROFESSIONAL DEVELOPMENT:

1.) Long-term career goals and objectives (e.g., academic research career, industry research, government, etc.):

2.) Areas of further training or skill development to enhance ability to achieve these goals [Academic Development (e.g. reviewing manuscripts/grants), Other: (e.g. presentation, management, or leadership skills)]:

FACULTY MENTOR’S COMMENTS/ADVICE ON RESEARCH FELLOW’S CAREER GOALS AND PROFESSIONAL DEVELOPMENT:

RESEARCH FELLOW SIGNATURE: _____ **DATE:** _____

FACULTY ADVISOR SIGNATURE: _____ **DATE:** _____

Performance Improvement Plan Form

Employee Name: _____

Department: _____

Supervisors Name: _____

Date: _____

Area for Development	Expectation	Plan for Meeting Expectation	Due Date	Meeting Date

Action Required:

Significant and immediate improvement in your performance is essential. We will continue to meet _____ to discuss progress. The duration of this Performance Improvement Plan is _____. If improvement is not achieved, you may be subject to disciplinary action, up to and including termination.

Follow Up Meetings:

Employee Signature: _____ **Date:** _____

Manager Signature: _____ **Date:** _____

_____ Copy given to Employee

_____ Original sent to Human Resources