

Conflict Resolution and Discipline in the Fire Service

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What's More Important?

When interacting with others, which is more important:

The actual behavior or the motivation behind the behavior?

Labeling

Subjective



**Labeling the motivations
behind the behavior
observations**

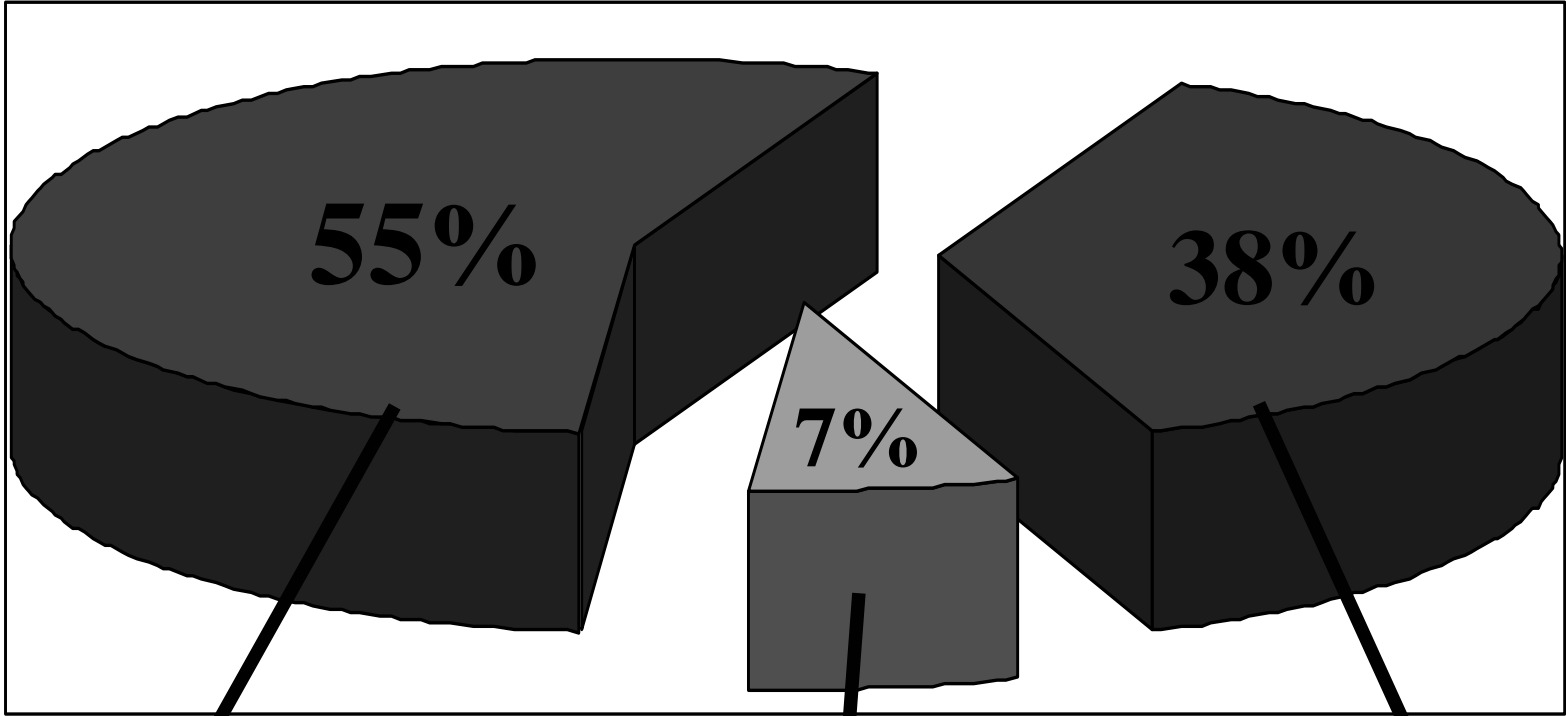
Objective



**Labeling only the
behavior**

Total Behavior

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**Non-Verbal
Behavior**

**Actual Words
Said**

**Tone of
Voice**

Who Are You?

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Ask	Tell
Task	Relationship

Who Are You?

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ASK

TELL

TASK

RELATIONSHIP



Ask Vs. Tell

ASK

- I'm more reserved
- I'm unagressive
- I make thoughtful decisions
- I avoid confrontation
- I'm very patient
- I reserve my opinions
- I'm very easygoing
- I don't talk fast or loud
- People often view me as shy or introverted

TELL

- I'm more outgoing
- I'm more assertive
- I make quick decisions
- I don't mind confrontation
- I tend to be impatient
- I openly share my opinions
- I tend to be more intense
- I tend to talk fast and loud
- People often view me as outgoing or ambitious

Task vs. Relationship

TASK

- I have guarded emotions
- I'm more to the serious side
- I am disciplined about time
- I dress more formal
- I'm strict about rules
- I like to work alone
- I am hard to get to know

RELATIONSHIP

- I'm more free to share mine
- I'm more to the playful side
- I am often late
- I dress more informal
- I tend to be more lenient
- I like to work with others
- I am easier to get to know

Four Basic Social Types

Analytical Ask / Task	Driver Tell / Task
Amiable Ask / Relationship	Expressive Tell / Relationship

Overview of The Analytical

- ✓ **Deep and thoughtful**
- ✓ **Genius-prone**
- ✓ **Set high standards**
- ✓ **Orderly and organized**
- ✓ **Dry but witty sense of humor**

The Analytical Strengths and Weaknesses

- ✓ **Perfectionist**
- ✓ **Neat and tidy**
- ✓ **Loyal**
- ✓ **Economical**
- ✓ **Self-disciplined**

- ✓ **Moody**
- ✓ **Critical**
- ✓ **Negative**
- ✓ **Indecisive**
- ✓ **Over analyzing**

The Analytical At Work

- ✓ **Neat and tidy**
- ✓ **Schedule-oriented**
- ✓ **Detail conscious**
- ✓ **Not people-oriented**
- ✓ **Spends too much time planning**
- ✓ **Standards often too high**
- ✓ **Major stress over imperfections**

How to Adapt to Analytics

- ✓ **Don't pressure them for decisions**
- ✓ **Provide details, graphs, and charts**
- ✓ **Speak softly and calmly**
- ✓ **Reward them with private work space and improved systems for efficiency**
- ✓ **Exercise patience with their constant analysis**

Overview of the Driver

- ✓ **Dynamic and active**
- ✓ **Not easily discouraged**
- ✓ **Exudes confidence**
- ✓ **Moves quickly to action**
- ✓ **Not detail oriented**

The Driver Strengths and Weaknesses

✓ **Determined**

✓ **Independent**

✓ **Productive**

✓ **Visionary**

✓ **Decisive**

✓ **Unsympathetic**

✓ **Insensitive**

✓ **Harsh**

✓ **Proud**

✓ **Sarcastic**

The Driver at Work

- ✓ **Stimulates activity**
- ✓ **Sees the whole picture**
- ✓ **Little tolerance for mistakes**
- ✓ **May make rash decisions**
- ✓ **Demanding of others**
- ✓ **Work may become "God"**
- ✓ **Can handle large amounts of stress**

How to Adapt to Drivers

- ✓ **Increase your pace / get to the point!**
- ✓ **Don't take them personally**
- ✓ **Reward them with leadership roles/more responsibility**
- ✓ **Don't talk to them on airplanes!**

Overview of the Amiable

- ✓ **Patient and well balanced**
- ✓ **Quiet but witty**
- ✓ **Sympathetic and kind**
- ✓ **Inoffensive**
- ✓ **Don't make waves**

The Amiable Strengths and Weaknesses

- ✓ **Easygoing**
- ✓ **Likeable**
- ✓ **Diplomatic**
- ✓ **Organized**
- ✓ **Calm**

- ✓ **Blasé**
- ✓ **Selfish**
- ✓ **Stubborn**
- ✓ **Indecisive**
- ✓ **Conflict avoiders**

The Amiable at Work

- ✓ **Competent and steady**
- ✓ **Strong administrative abilities**
- ✓ **Mediates problems**
- ✓ **Resents being pushed**
- ✓ **Would rather watch**
- ✓ **Lacks self-motivation**

How to Adapt to Amiables

- ✓ **Be gentle/not brash**
- ✓ **Don't overwhelm them or stress them**
- ✓ **Keep them in a team environment**
- ✓ **Reward them with sincere praise and personal gifts**

Overview of the Expressive

- ✓ **The life of the party**
- ✓ **Turn disaster into humor**
- ✓ **Prevent dull moments**
- ✓ **Generous people**
- ✓ **Eternal Optimists**

The Expressive Strengths and Weaknesses

- ✓ **Outgoing**
- ✓ **Ambitious**
- ✓ **Charismatic**
- ✓ **Enthusiastic**
- ✓ **Young at heart**

- ✓ **Disorganized**
- ✓ **Undisciplined**
- ✓ **Obnoxious**
- ✓ **Loud**
- ✓ **VERBOSE!**

The Expressive at Work

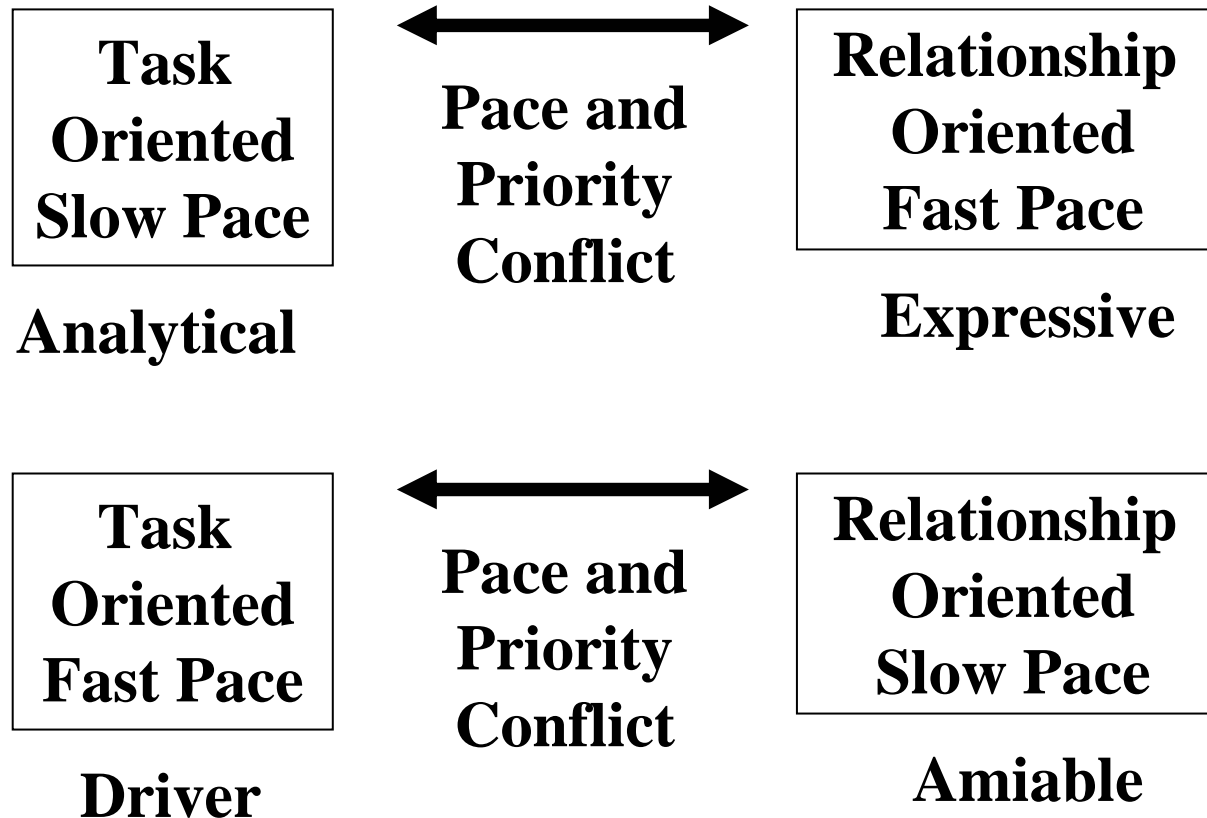
- ✓ **Inspires / charms others to join in**
- ✓ **Volunteers for jobs**
- ✓ **Thinks up new activities**
- ✓ **Wastes time talking**
- ✓ **Forgets obligations**
- ✓ **Likes to party and have fun**

How to Adapt to Expressives

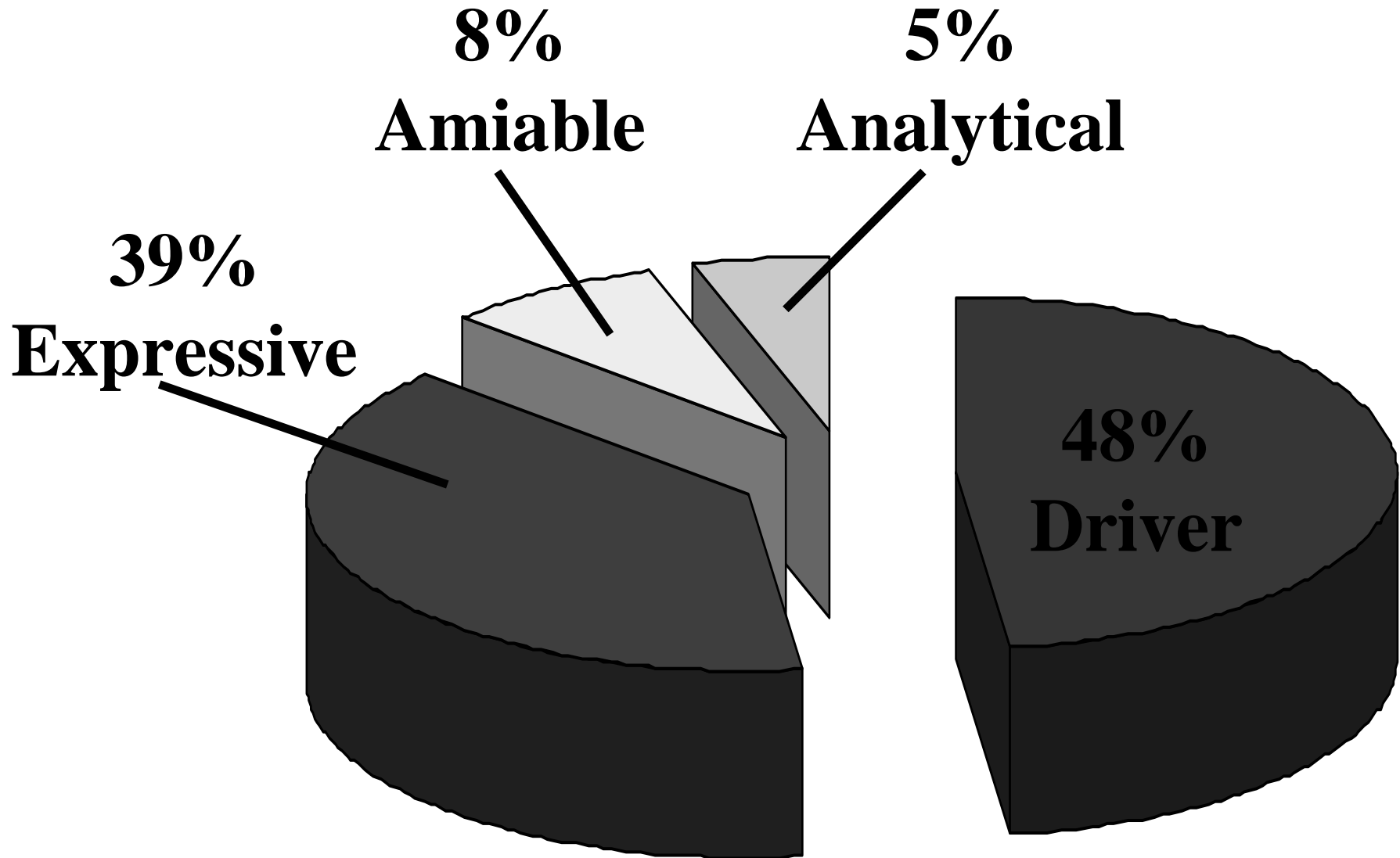
- ✓ **Become involved with their interests**
- ✓ **Let them talk / vent**
- ✓ **Don't take their "tell it like it is" approach personally**
- ✓ **Reward them with parties and more freedom**

Conflict Areas

Double Trouble Combinations



You're Some of All Four



Famous Analyticals

- ✓ **Woodrow Wilson**
- ✓ **Albert Einstein**
- ✓ **Sherlock Holmes**
- ✓ **Agatha Christie**

Famous Drivers

- ✓ **Richard Nixon**
- ✓ **Clint Eastwood**
- ✓ **Hillary Clinton**
- ✓ **Lucy (Peanuts)**

Famous Amiables

- ✓ **Jimmy Carter**
- ✓ **Johnny Carson**
- ✓ **Dick Clark**
- ✓ **Princess Diana**

Famous Expressives

- ✓ **Ronald Reagan**
- ✓ **Lucille Ball**
- ✓ **Donald Duck**
- ✓ **Robin Williams**

Back-Against-the-Wall Behavior

- ✓ **The behavior you see when you're under stress or experiencing conflict**
- ✓ **Most noticeable at home- not work**

First Response to Conflict

Analytical - Withdraw

You tend to become less assertive, more controlled, hold in feelings, not share ideas. Basically, avoid, dodge, escape and retreat from other people and/or undesirable situations.

Driver-Dominate

You tend to become over assertive, unbending, over controlling and demanding. You become strong-willed and attempt to impose your thoughts and feelings on others.

Amiable-Give In

You tend to give in to keep the peace and reduce conflict. You appear to agree with others when inside you disagree. You strongly desire to save the relationship even if it hurts you.

Expressive-Attack

You tend to emotionally attack others and their ideas, using condemnations and put-downs to discredit them. You have strong emotions and will tell people how you feel about things.

**How YOU can
adapt so others
don't find YOU so
annoying**

The Analytical

- ✓ **Once you have the facts, make a decision**
- ✓ **Don't be so unsociable**
- ✓ **Don't be so negative**
- ✓ **Get more involved with people**
- ✓ **Lighten up**
- ✓ **Don't look for ways to "penny pinch everything!"**

Drivers

- ✓ **Don't feel the need to correct everyone**
- ✓ **Don't be so abrupt and brash**
- ✓ **Show some patience**
- ✓ **Curb your sarcasm**
- ✓ **LISTEN to people**
- ✓ **You're not always right so ease up on others!**
- ✓ **Stop being so dang competitive**
- ✓ **Be sensitive to the feelings of others**

Amiables

- ✓ **Share your opinion**
- ✓ **Take a stand on issues**
- ✓ **Face difficult issues**
- ✓ **Take some risks**
- ✓ **Be on time**
- ✓ **Don't be so blasé about things**
- ✓ **Don't be passive aggressive**
- ✓ **Work on that "quiet will of iron"**

Expressives

- ✓ **Reserve your opinion more**
- ✓ **Don't interrupt**
- ✓ **Lower your voice**
- ✓ **Listen to other people**
- ✓ **Follow through on things**
- ✓ **Don't exaggerate stories and feelings**
- ✓ **Stop ruining people's jokes**
- ✓ **Be on time and FOCUS**
- ✓ **Think before you act!**

Gender Stereotype Myths

- ✓ **Women talk more than men**
- ✓ **Women are emotional and men are not**
- ✓ **Women are neat and men are slob**
- ✓ **Women like to shop and men don't**

Subordinate Counseling & Discipline

The Progressive Discipline Process

- **C** – Counseling
- **O** – Oral Warning
- **W** – Written Reprimand
- **S** – Substantial Discipline
 - Time off without pay
 - Reduction in pay
 - Demotion
 - Suspension
 - Termination

Laws Affecting Proceedings

➤ **Skelly**

- **Notice of the proposed action**
- **Reasons for the action**
- **Copy of charges**
- **Right to respond**

➤ **Weingarten**

- **Union Rep**

➤ **Lybarger**

- **Disclosure of facts in court case/investigation**

AB220 / FBOR

The History

- **The POBOR (Public Safety Officers Bill of Rights) was passed in 1996**
- **Fire investigators were included in “peace officer” description but Firefighters were not**
- **AB 411 (2000) AB 2857 (2006) were defeated before reaching the governor**

The History

- **Supporters argued that firefighters were at times under immense pressure and stress like peace officers**
- **FFs deserved the same protection as peace officers**

The History

- **Opponents argued that the number of investigations on FFs is far less than police**
- **Considered needless and very expensive**
- **Estimated \$1.3 million statewide to comply (over \$20 mil for POBOR)**

The History

- **January 1, 2008 Assembly Bill 220 passed**
- **Also known as the Firefighter Procedural Bill of Rights**
- **California Government Code §§ 3250-3262**

Who is Covered

- **All firefighters employed by a public agency**
- **Includes FFs who are paramedics or emergency medical technicians**
- **Does not include probationary FFs**

When it's Triggered

- **When entering into an investigation, interview, or line of questioning that *could* lead to punitive action, the FBOR is triggered**

- **Factors that determine whether there is a “reasonable” belief that punitive action could result:**

When it's Triggered

- **The interview concerns an issue that could result in discipline**
- **Employer has possession of prior evidence of wrongdoing on FF who is being interviewed**
- **The person conducting interview has authority over FF to discipline or is empowered to act on behalf of someone who is**
- **The information provided to the FF on the significance of the interview would lead the FF to believe it could result in punitive action**

When it's Triggered

- **FBOR is triggered at "Punitive Action"**

- **Broadly Defined as:**
 - **Written Reprimand**
 - **Dock in Pay**
 - **Suspension**
 - **Demotion**
 - **Transfer (as punishment)**
 - **Termination**

When it's Triggered

- **These DO NOT Trigger it:**
 - **Counseling**
 - **Instruction**
 - **Informal Verbal Admonishment**
 - **Routine Contact**
 - **Unplanned Contact**
 - **Routine Negative Evaluations are NOT Considered Punitive**

The Progressive Discipline Process

Pre-AB220

- **C** – Counseling
- **O** – Oral Warning
- **W** – Written Reprimand

Pre-Disciplinary Procedures

- **S** – Substantial Discipline

- Time off without pay
- Reduction in pay
- Demotion
- Suspension
- Termination

Formal Discipline

The Progressive Discipline Process

Post AB220

➤ **C** – Counseling

Pre-Disciplinary Procedures

➤ **O** – Oral Warning

➤ **W** – Written Reprimand

➤ **S** – Substantial Discipline

➤ Time off without pay

➤ Reduction in pay

➤ Demotion

➤ Suspension

➤ Termination

Formal Discipline

Rights Under AB220

- **Investigation Timeline:**
 - **One year to complete investigation**
 - **Exceptions to one year rule:**
 - **Acts discovered before Jan. 1, 2008**
 - **FF waives one year rule**
 - **Investigation involves multiple agencies**
 - **Criminal investigations**

Rights Under AB220

- **Exceptions to one year rule:**
 - **Civil litigation where FF is defendant**
 - **Investigations involving work comp fraud**
 - **Investigations may be re-opened in spite of one year time period if**
 - **Significant new evidence surfaces**
 - **Evidence could not have been reasonably discovered in one year time frame**

Rights Under AB220

- **Interrogation Rights:**
 - **FF must be informed of the name, rank, and command of person in charge of interrogation AND**
 - **Any other participants AND**
 - **The nature of the interrogation**

Rights Under AB220

- **Interrogation Rights:**
 - **Must be compensated**
 - **No more than two interrogators**
 - **Reasonable breaks**
 - **Reasonable period of time (based on seriousness and complexity of issue)**
 - **No offensive language or threats**
 - **No incentives or bribes**

Rights Under AB220

- **Interrogation Rights:**
 - **Recording devices allowed**
 - **Copy must be given to FF**
 - **FF can tape record meeting**
 - **Transcribed copy of stenographer notes or reports must be given to FF (excluding legally confidential items)**
 - **If during or prior to interrogation criminal charges are contemplated, FF must be informed of constitutional rights**

Rights Under AB220

➤ **Representation:**

- **When a proceeding could or is leading to punitive action, FF has the right to request representation**
- **Union Representative**
- **Attorney**
- **Any other person they choose (except someone subject to the same investigation)**

Rights Under AB220

➤ **Privacy Rights:**

- **FF cannot be forced to take Polygraph (notes cannot be made of refusal and refusal not admissible)**
- **FF cannot be forced to talk to media**
- **FF cannot be forced to disclose financial information (assets, expenses, debts, income, etc)**

Rights Under AB220

- **Privacy Rights:**
 - **Locker or personal storage space may not be searched unless:**
 - **FF is present**
 - **Search warrant has been obtained**
 - **FF has given consent**
 - **FF has been informed**

Rights Under AB220

➤ **Political Rights:**

- **FF cannot be prohibited or required to participate in political activity while in uniform**
- **FF cannot be prohibited from seeking election or serving on a governing board in a city, county, or special district where they are NOT employed**

Rights Under AB220

➤ **Personnel File:**

- **Adverse comments or evaluations cannot be entered in personnel file without allowing FF to read and sign**
- **FF cannot be forced to sign but can be forced to sign acknowledgement that they refused to sign**
- **FF has 30 days to respond in writing to adverse comments**
- **Response must be attached to adverse comment**

Rights Under AB220

➤ **Personnel File:**

- **FF has right to view file pertinent to employment, promotion, discipline, termination, etc. Upon request IF**
- **Request is made during normal business hours**
- **Files must be kept in a place where they can be provided in a reasonable amount of time**

Rights Under AB220

➤ **Personnel File:**

- **If FF believes information in file is inaccurate or has been placed in file unlawfully, they may request in writing that the information be corrected or removed**
- **Written statement becomes part of file**
- **Employer has 30 days to approve or deny**
- **Denials must be written statements explaining why and must be made part of personnel file**

Rights Under AB220

- **Administrative Appeals:**
 - **If employer seeks punitive action OR denies promotion, FF is entitled to administrative appeal**
 - **NOT the same as POBOR**
 - **Appeal must be consistent with rules and procedures adopted by employer that are in accordance with Government Code Section 11500**

Rights Under AB220

- **Notification:**
 - **After investigation if disciplinary action will be imposed, FF must be notified in writing**
 - **Within 30 days of decision**
 - **Not less than 48 hours prior to imposing discipline**

Actions That Warrant Discipline

- ***P*** – Performance Issues
- ***I*** – Insubordination
- ***V*** – Violation of Rules
and Regulations

Performance Issues

- **Was the Infraction the Result of a Lack of Training?**
- **Was Training Ever provided?**
- **Is Discipline Warranted or is Training Needed?**

- **Establish Performance Expected**
- **Set Measurable Standards (realistic)**
- **Set Time Frame for Expected Performance**
- **Establish Method to Confirm Performance Has Been reached**
- **Establish Ramifications if Performance Can Not be Achieved**
 - ✓ **Demotion**
 - ✓ **Termination**

Insubordination

- **Was a Direct Order Given?**
- **Do Clear Rules Cover the Situation?**
- **Was the Employee Advised of Consequences?**
- **Was the Order a Legal Order?**
- **Did the Order Jeopardize Their Safety?**
- **Was the Conduct an Expression of Frustration?**

Violation of Rules & Regulations

- **Tardiness**
- **Dereliction of Duty**
- **Discourteous to Employees or Public**
- **False or Misleading Statements**
- **Appearing for Work Under the Effects of Alcohol or Drugs**
- **Negligent or Willful Conduct Resulting in Damage to Public Property**
- **Nexus (Actions that Cause Discredit to Employer)**

Steps to Proper Discipline

- 1. Investigate / Gather Info.**
- 2. Assess Severity**
- 3. Review Employee History**
- 4. Determine Discipline**
(subject to change based on employee meeting)
- 5. Meet with Employee**
- 6. Use the Sandwich Method**
- 7. Document Meeting**
- 8. Follow Up**



The Sandwich Method

Step 1

Start with a
friendly greeting

Very brief, just to
break the ice

Step 2

Air your
view (briefly!)

Don't assume guilt

Step 3

Now let
employee explain

Deal with deflecting

Step 4

Do a repeat
back to employee

Look for EAP Flags

The Sandwich Method

Step 5

What rules &
regs state

Do coaching in here

Step 6

Initiate plan of
action/admin control

Commitment to
change behavior

Step 7

Cover and review
points of meeting

Summarize meeting
and issues discussed

Step 8

Have a positive &
supporting close!

Separate person from
behavior

The Sandwich Method

S tart with a friendly greeting

A ir your view

N ow let the employee explain

D o a repeat back to employee

W hat are rules and regs for performance

I nitiate plan of action/administrative control

C over and review feedback

H ave a positive supporting close!

7 Excuses not to Discipline

- 1. “We live together 24-7”**
- 2. “I don’t want to be a jerk”**
- 3. “I need this person to watch my back”**
- 4. “I did the same thing before I promoted”**
- 5. “I want to be on their side”**
- 6. “Everyone else lets everyone get away with it...”**
- 7. “I don’t want the discipline to be challenged”**

General Conflict Diffusion Tools

- ✓ **Maintain eye contact**
- ✓ **Stand or sit at same level**
- ✓ **Talk slower**
- ✓ **Talk softer**
- ✓ **Check body language**
- ✓ **Don't interrupt or get defensive**
- ✓ **LISTEN!**

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