Employee/Board Relations

Introduction

People, including board members, staff, and partners, are the primary resource of a conservation district. Good employee and board member relations are essential to an effective and efficient conservation district. This section will offer suggestion on ways to develop and maintain good working relationships between board members and staff. At times NRCS will be mentioned simply because most districts work very closely with the NRCS field staff.

Board/Employee Orientations

Conservation districts' function is to, "To take available technical, financial, and educational resources, whatever their source, and focus or coordinate them so that they meet the needs for the local land user for conservation of soil, water, and related resources." (Adapted from Pete Nowak's "The conservation District official: Villain or victim?")

The purpose of orientation is to help the individual see the "big picture" of the conservation district and provide an overview of the individual's roles and responsibilities as they begin to assist the District in meeting its respective mission and function. Good orientation will provide the individual the opportunity to become more effective and efficient in their respective role in a timely manner. Without orientation, an individual will be less productive and efficient for the first couple of years as they scramble to find what their "purpose" is within the District.

At a minimum, orientation should provide the following:

Board Members:

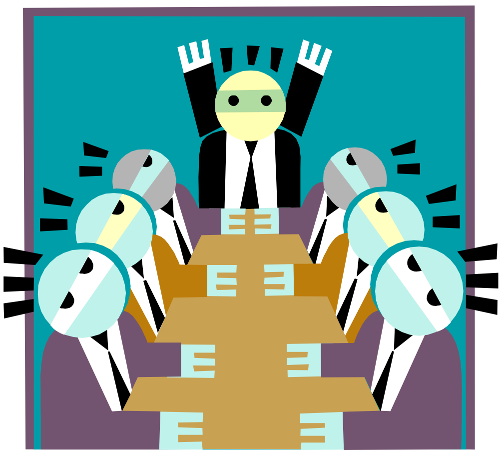
- Board member "Job Description"
- Overview of the "Conservation Partnership" and organizational structure
- Conservation district history
- Colorado Soil Conservation Act
- Fiduciary responsibilities
- District mission and function statements
- District Long Range Plan
- District Annual Plan of Work
- Introduction to other board members, staff, NRCS staff, and other key partners
- Overview of how district is financed and use of funds

District Manager:

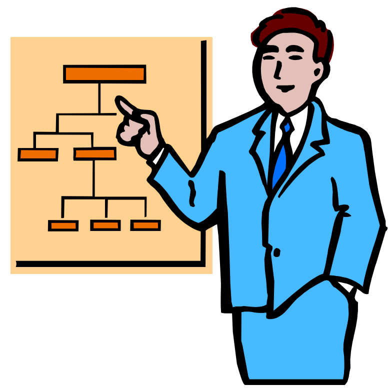
- Job description review
- Overview of the "Conservation Partnership" and organizational structure
- Conservation district history
- Colorado Soil Conservation Act
- Colorado Open Meeting and Sunshine laws
- District mission and function statements
- District Long Range Plan
- District Annual Plan of Work
- Introduction to board members, staff, NRCS staff, CSCB field staff, and other key partners
- Introduction to the on-line reference manual as a resource
- The Board's top three priorities for the DM to accomplish within the first two months.
- Due dates and specific activities for the next six months.
- Orientation to the District's filing and bookkeeping systems
- Overview of the DM's responsibilities for board meetings
- Orientation to their chain of supervision and who to contact with questions or problems.

The District President should be very involved in all orientations. The President is typically the "Personnel Manager" for the district and therefore should be the one to ensure these orientations are provided. They may call on the CSCB Conservation Specialist for a significant amount of assistance and guidance. The president may also call on the NRCS DC to be involved since they are usually the person involved with the DM on a daily basis and can provide great insight to the daily activities of the position.

Board Member & Staff Responsibilities



District board members must set the overall direction for district employees. This is done through the development of a Job Description, District Employee Policy or Handbook, Long Range Plan, Annual Plan of Work, and productive monthly meetings.



All administration of employees is the responsibility of the district board. One board member should be designated as the primary liaison between the board and district employees ("contact supervisor") and is typically the Board President but may be his/her designee. It is important that the entire Board and all employees know who their contact is.

Below is a good example of who does what. Your Board should review and amend as they see fit and then adopt it as part of their policy for clear guidance to employees and board members.

Board and Staff: Examples of Who Does What?

Area	Board	District Manager
Long-term goals (more than 1 yr.)	Approves	Provides input
Short-term goals (less than 1 yr.)	Establishes & Monitors	Carries out
Day-to-day operations	Monitors	Makes all decisions and acts with concurrence from chair
Budget	Develops and Approves	Recommends
Capital purchases	Approves	Prepare requests
Decisions on building, renovation, leasing, etc.	Makes decisions, assumes responsibility	Recommends
Supply purchases	Establishes policy	Spends according to policy and maintains audit trail
Major repairs	Approves	Obtains estimates and prepares recommendations
Minor repairs	Policy should include spending up to amount that can be spent	Authorizes repairs up to limit acts with concurrence from chair
Emergency repairs	Works with District Manager	Notifies chairperson and acts with concurrence from chair
Cleaning and maintenance	No role	Oversight/set up schedule only
Fees	Adopts policy	Implements policy
Billing, credit, and collections	Adopts policy	Implements
Hiring and firing of staff	Interview and hiring of District Manager (DM)	District specific – will vary from district to district
Staff deployment and assignment	Responsible for DM	Establishes schedules if given approval by Board
Staff grievances	Responsible	Only if given specific authority by Board
Personnel policies	Oversight and Adoption	Implement
Staff salaries	Responsible	No role
Staff evaluation	Evaluates DM & other staff	Evaluates other staff in conjunction with Board
Signing checks	Board Treasurer & President	No role

Employee Grievance

Should a problem arise, it is important that any employee knows what the grievance process is and specifically who to contact. Having a stated grievance procedure before problems occur provides an avenue of communication for employees to deflect harbored resentments that could turn into behavioral problems at work. Therefore, it is important to include the grievance process and contact in the District's personnel policy or employee handbook.

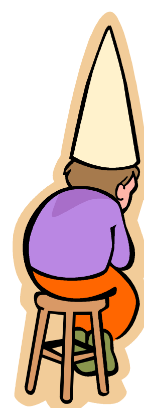
When an employee begins employment, let them know who they should approach if they have a grievance. This is generally their supervisor – grievances are best resolved at the lowest level possible. Also be sure they know who to approach if they have a grievance against their direct supervisor.

If an employee brings a grievance – formally or informally - listen objectively and refrain from comment, action or judgment until you have had an opportunity to investigate the issue from other perspectives.

Document all conversations, observations or actions, since if the situation escalates, good documentation can help resolve issues in an easier and more timely manner.

More tips on Grievance Procedures are in the CSCB Employers Handbook

Disciplinary Action



Colorado is an "at-will" employment state, which means there is no obligation for either employer or employee to give notice or reason for terminating employment. However, a terminated employee can still bring charges of unfair dismissal against an employer with the potential of legal costs and penalties. A fair disciplinary procedure can help protect a District in such circumstances and also provide an objective framework should an uncomfortable personnel situation occur.

Suggestions:

Each district has a written personnel policy and the President is familiar with that policy.

Focus on the job requirements and expectations –especially as laid out in the job description-employment agreement – as a basis for corrective action.

Be scrupulous in applying procedures consistently in order to avoid the appearance of discrimination. This is also true if you do not have a formal procedure – follow previous precedents.

Have a general, but not too restrictive, policy for corrective actions – for example; a verbal warning followed by at least one written warning/corrective action will be given before termination. You may have to do more than this, but at least the employee can have some knowledge of what to expect.

Documentation is key – have signatures where possible to document what occurred in terms of employee behavior, discussions, corrective actions issued etc., preferably from both parties. Also record refusal to sign. Document everything!

Whatever the issue, bring it up objectively, calmly, privately and tactfully. Don't let anger or frustration build to a point that objectivity is lost when approaching the employee.

It is important that employers give employees every opportunity to explain their side of the story and provide assistance in remedying problems. This may include giving them the opportunity to receive counseling for an addiction or behavioral problem.

Even if you suspect personal problems are the root of the problem, you cannot ask direct personal questions – although you may show willingness to listen by asking if the employee wants to share any information to help you understand the situation.

You can place individuals on "administrative leave" if a situation develops that produces concern that the person should not be at the workplace until the issue is resolved – for aggression, theft, breach of confidentiality etc.

When taking corrective action make sure the required changes, the time period for changes to be completed and consequences for failing to comply are clearly spelled out in writing. Also, ensure you provide ample reasonableness for the employee to be able to comply.

Labor Laws:

Fair Labor Standards Act (FLSA) - establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. Districts are required to abide by FLSA and therefore it is recommended that someone on the Board be familiar with the basic requirements to ensure compliance.

Overtime and Compensation (Comp) Time: The FLSA requires employers to pay overtime or allow comp time to full or part-time non-exempt employees (as defined by FLSA rules) after 40 hours of work in any individual work week (not averaged over more than one week). The rate must be at least 1.5 times the standard rate of pay/time. An employee cannot elect to waive these FLSA rights. Districts should be mindful of this in setting up employment agreements and in ensuring comp time is not built up to a level that is a crippling liability if an employee leaves – when accrued unused comp time must be paid out.

Districts should be aware that if they allow non-exempt employees to "stay late", "come in early", or even "volunteer" (unless duties are clearly not part of their normal job – such as a non-required Sunday community day pulling weeds by the Mon –Fri office-based district manager), FLSA interprets this as the employee being "suffered or permitted to work" and FLSA regulations apply. Generally, in cases where work has been shown to be done, the courts favor the employee as against ignorance of work activity by an employer.

Timekeeping: No specific format is required by FLSA, although records must be complete and accurate. Supervisors should monitor timekeeping to ensure there is agreement on work hours (this helps but may not fully protect against FLSA interpretation of "suffered or permitted" to work). It is good practice to have timesheets signed by supervisors. An Excel timesheet example template is located on the CSCB web site under "Forms and District resources".

For more information about FLSA contact the Department of Labor at http://www.dol.gov/whd/regs/compliance/hrg.htm

Employee or Independent Contractor?

The decision on whether to hire someone as an independent contractor or not will depend on several factors – not the least of which is the nature of the work to be done. Employers cannot simply "decide" that the person will be an independent contractor. The IRS has criteria on which they base whether a person can indeed be classified as an independent contractor. If the employer misclassifies the employee, they may be held liable for the employment taxes that should have been paid. IRS Publication 15-A, "Employers Supplementary Tax Guide", outlines how the IRS determines independent contractor status. Use a qualified attorney to assess the status if you are unsure.

Typical indicators that a person is not an independent contractor could be:

- Paid hourly or with a wage rather than for a job done
- Hours/place of work are set by the employer
- Person is supervised by employer – employer has ability to direct, reprimand or terminate
- Employer provides training
- Employer provides tools, place of work
- Expenses are reimbursed
- Person works exclusively for the one business and does not make themselves available for other markets
- Person cannot make a profit or loss from the work they are doing
- Period of contract is not finite
- Extent to which the person provides key services – indicating employee status

More information on determining Independent Contractors status is available in the Employers Handbook.

Nepotism and Ethics

What is nepotism? It is favoritism shown or patronage granted to relatives within the workplace.

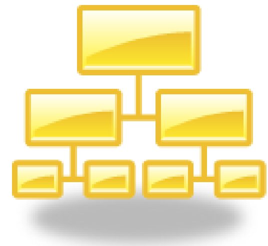
Why is nepotism discouraged within conservation districts? Let's look at an example that no district anticipates but in reality has happened time and time again.

> Example: Due to a limited pool of applicants, a district hires a board member's family member. In this example, let's say it is a board member's wife. Everything is going smoothly for a couple of years. The District develops a long range plan and/or decides to take on some "non-traditional" activities. The skills required of the current employee do not meet the requirements of the new activity. It becomes obvious (to most of the Board Members) that the District will remain stagnant unless the current employee is "let go". Who is going to step up and bring up this issue to the "Board"? **Are you?** After all, it is the Board President's wife who is the district manager and they both believe she is capable of the required tasks. Keep in mind they have two kids at home and are struggling to keep the farm. The part time job she has with the District is all that is keeping them afloat. In addition to not having the necessary skills to fulfill the current needs of the District but reports to the State have been late this year and therefore the District is ineligible for direct assistance.
>
> Every district that has found themselves in the above situation thought, "it could never happen" with this person. Only to find out later it did.
>
> While it is always a tough decision for the Board to determine an employee no longer fits the District's needs and must be "let go", it is even more difficult to make this determination if it is a Board Member's wife. Will you do what is right for the landowners within the District and "fire" the

President's wife? If not, you need to ensure the Board does not get into this situation by having a District policy that prohibits board members' family members from being employees.

Organizational Charts/Chain of Command

Most Colorado conservation districts have one, maybe two, employees. Therefore there isn't a great need for an organizational chart as long as the employees' job descriptions indicate who their supervisor is. The District Manager will always report directly to the Board President or his/her designee. The technicians that are hired through Salinity or District Conservation Technicians funding should report to the District Manager if that is a full time position and the DM has the skills to manage people. If not, they should report directly to the Board personnel designee with NRCS directing the daily workload activities.



Performance Plans

A performance plan ensures the employee and supervisor have the same understanding of expectations of the job. It relates employee's past performance to expectations. It identifies future realistic expectations of the job and establishes how these are to be achieved and recognized. Performance plans can motivate the employee and provide objective basis for development and rewards.

Suggestions:

- If performance review is to be utilized for changes to pay etc., tell employee at hiring.
- Job description is used as a basis for the evaluation – tell employee in advance, so that they are prepared and ensure job description is meaningful and up to date.
- Evaluator should be the District President (or other board member/supervisor designated to handle personnel) who is familiar with the employee's work and one or two other board members/supervisors.
- The Board may request input from NRCS DC regarding employee's performance and partnership cooperation since they typically work with them on a daily basis.
- Ensure employee understands that evaluation is to receive feedback on how their work is viewed, provide them with an opportunity to voice ideas, concerns and desires, and work with board members/supervisors to identify future strategies.
- No surprises –set up a time soon after hiring to establish what the priorities and criteria for evaluation will be, and meet with employees on a regular basis to review work progress and issues. Don't suddenly ambush employee with dissatisfactions at performance review!
- Past, Present, Future – What has been done? What is being done now? What is to be done next?
- Conduct evaluations in a comfortable, private place and ensure no interruptions.
- Employee may feel initially defensive ("judged") – employ friendly tone and body language
- Seek employee's perspective – ask what they do, how much time they spend on an activity and what importance they place on each activity. Let employee talk uninterrupted.
- Give honest feedback – be sure to recognize good performance and give any negative feedback objectively by stating specific, identifiable facts and then state what those facts have led you to conclude, followed by asking questions if your conclusions are accurate. Allow the employee to provide their information before making any final decisions.
- Do not minimize poor performance or bad behavior with humor or be aggressive. Focus on task/behavior, not on personality.
- Work together for an agreed solution to problems or challenges – past and anticipated.
- Do not use comparisons with other staff.
- Identify future goals, objectives (actions and timelines to reach goal) and measurement standards (how will you know when objectives have been reached).
- Develop realistic objectives– time, resource availability, outside influences, required co-operation.
- Develop specific goals and expectation but allow flexibility – determine how the employee should handle situations when they need to deviate from the plan (i.e.: Are they required to get Board approval or just speak with the President prior to action).

- After discussion, supervisor has final authority. Allow consideration for employee input and explain decision, but do not allow argument to continue.

- Amend performance objectives, standards, and job description to reflect circumstantial changes between evaluations if necessary

Performance Evaluation Checklist

Initial Meeting:

- Ensure employee knows when, by whom and on what, his/her performance evaluations will be made; if merit pay increases will be based on evaluations; what the grievance procedure is for disputing evaluations.
- Develop performance standards and measurable objectives together between employee and evaluators so that fairness and realistic attainability is agreed on. This also provides employee with clearest understanding of expectations and District goals.
- Identify a performance standard for each element of the job description.
- Define measurable objectives that are within the control of the employee for each performance standard.
- Decide on how performance evaluation is to be made and whether/how an overall rating is to be ascertained (especially if merit increases are to be based on evaluation).

On-Going

- Ensure employee/employer understand the responsibility to review the objectives/standards before the evaluation should the job description change or unforeseen events prevent the objectives being met.
- Ensure evaluator(s) are familiar with the employee's work on a regular basis.
- Ensure employee and evaluator are properly prepared by preparing their own facts for discussion on current job description, performance standards and performance objectives before the evaluation.

At the evaluation:

- Arrange a time and quiet confidential place without interruptions.
- Keep tone objective, friendly and supportive to employee.
- Allow employee to first describe current/past job duties, responsibilities and how they relate to current performance objectives.
- Review each current performance standard/objective and identify successes, areas for improvement, mitigating circumstances
- Agree and provide signatures on current performance level obtained.
- Review job description and jointly develop performance standards and objectives for future evaluation period – provide signatures
- Review training plan to meet future performance expectations and further employee personal/career development.
- Provide copies of evaluation (current and future) and training plan to employee and place original in District personnel files.

Performance evaluation form templates are available in the Employers Handbook.

Professional Management Training for District Managers

Training is important to ensure the employee has sufficient skills and knowledge to do the job safely and effectively, improve efficiency at tasks, and promote understanding of interactions in the workplace. Training stimulates employees with opportunities to develop and provides motivation.

Suggestions:

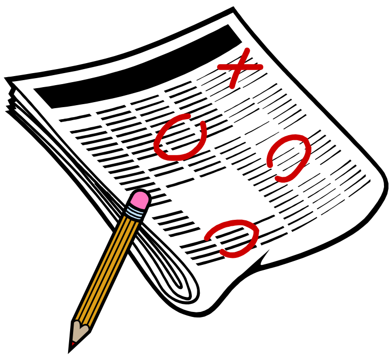
- In the first few days, basic orientation will help new employees feel welcomed and prepared – introduce personnel, workplace logistics, procedures/policies, and complete personnel paperwork. Free up designated staff to answer questions and help new employee. People like to feel useful, so enable a new employee to complete some simple tasks as soon as possible.
- Training enhances staff competence and, therefore, the District image.
- Training provides a skill, knowledge, promotes efficiency, motivates or develops an individual.
- Employees typically require more intense training in their first 6 months, build proficiency in the next 6 months and are fully productive after 12 months.
- Identify training purpose, source and timeline – identify a specific training goal addressing the short/ long term needs of the District, or personal goals of the individual - how is it to be accomplished?
- After completion, evaluate training to ensure it met stated objectives.
- Review and update training plans during performance reviews and more often, if necessary.
- Training is most cost-effective when it involves on–the-job training with appropriate supervision/specialists, or self-study such as attendance at conferences, study courses.
- Consider sending district managers through the Colorado Conservation Leadership Program offered through the CSCB and CACD.
- Training often requires application in the workplace soon after acquiring to be best retained.
- The District may be liable if an employee performs an illegal/dangerous act and inadequate training contributed to the act – identify and incorporate safety training in the training plan and retain documentation of completion.
- Cross -training promotes efficiency and teamwork through better understanding and communication in the workplace. It also promotes workforce versatility and resilience.

See Employers Handbook on the CSCB web site for more information and an Employee Training Checklist along with many other useful forms.

Professionalism

Professionalism is critical as a district employee and as board members. The employees are often times the face of your district. Landowners' first impression of the district manager, other employees, and board members determines their future support of the District. A district's mission is typically to serve the local landowners regarding the natural resources. Therefore, it is important that your actions as employees and board members keep that mission in the forefront of your mind at all times. Your employee policy may include a section on professional conduct and it is suggested that you talk about this with employees at time of hire so they know what to expect.

Job Descriptions



For the Board's purpose, a job description is to describe the duties and expectations required by the job so that they can present a clear picture to prospective applicants. The first step in position creation is to enable the district to clearly identify its needs and what skills and aptitudes it is looking for in job candidates to satisfy those needs.

Employees must know what the "job" is and what is expected of them in order to fulfill the Board's expectations. All employee evaluations should be based on the job description so the employee knows what they will be evaluated on and avoid any surprise expectations. Without a clear job description, the employee will often flounder in the position, creating frustration for themselves and the Board.

Suggestions on developing a Job Description:

- Identify what the District needs to achieve with the position.
- Identify what actual duties will be required to meet these needs.
- Identify what minimal skills, qualifications or experience are needed to do these duties.
- Describe the job, not the person occupying the position
- State minimal requirements for the job – education, experience etc.
- Describe only major duties of the position – Don't describe procedures – only duties.
- Keep descriptions short and in non-technical terms.
- Identify responsibilities as well as duties – eg. "Responsible for preparing and submitting reports on a timely basis".
- State any supervisory responsibilities.
- State who (position, not name) will supervise this position.
- State how, when and by whom (position, not name) the performance reviews will take place.

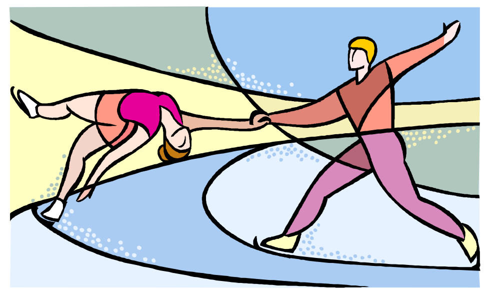
- ➢ Be honest in the description – you will not retain people if they are hired under misleading information, including being over- or under-challenged.

Keep job description up-to-date and review periodically to ensure it remains an accurate description of expectations.

Click on the following sample job descriptions

- District Clerk
- District Secretary
- District Manager
- District Education Specialist
- Technicians (Salinity & DCT) – work with program specialist for details on these positions

Working Effectively with Partners



The job of conserving Colorado's natural resources is a BIG job and rather overwhelming. It is time-consuming and costly, as well as never ending. No one entity will get the job done alone. It will take multiple groups working together to succeed at your mission. Therefore, partnering with other agencies, organizations, and individuals is extremely important.

The primary tool for developing and maintaining partnerships is open and frequent communications. We have to know and understand each other's goals and objectives in order to work together. This is just one more reason for the District to develop good Long Range Plans and Annual Plans of Work. It provides your partners with information on what you see as important to your community.

Once the District has their plans in place, they can seek other partners who have similar goals for assistance. Of course the first entity that comes to mind as a partner is the Natural Resources Conservation Service but in reality they are just one of many partners a District should have. The District will be most effective if it reaches out to the other agencies, organizations, and individuals that can help.

How to Reach Out to Partners:

First it is important to develop relationships (network) with others without asking for anything from them. Simply let them know who the District is and explain your mission/purpose. Find out what their organization's mission and goals are to find common ground. If you find a common purpose or program, offer to help if it is something the District could participate in.

Once the relationship has been developed and the District has identified a specific project or program you want to accomplish, develop a plan for implementation. Take that written plan and present it to an individual with whom you have developed a relationship within that agency or organization with similar goals/mission and ask if they would be able to help the District move it forward. This may mean getting your foot in the door to make your presentation to others or identify other ways of getting assistance.

If you get assistance (financial or technical), it is important to continue open communications and let them know your progress. Written reports may be required, but it is even more important to follow up with personal contact and let them know the successes and challenges you encounter. Invite them to see it and/or participate first hand. Remember, a picture is worth a thousand words, so document activities using pictures.

One successful project with partners will lead to multiple other opportunities if there has been good communications and they feel they can count on you to deliver in the future. Always give your partners credit and publicly acknowledge their support.

The Fundraising Guide has more guidance on developing relationships and asking for support from partners.

Working Effectively with Each Other

Conservation district boards are made up of elected volunteers who have a responsibility to their constituents (landowners) and employees. Sometimes it is difficult to take the time to plan and give good direction to the district manager and/or other employees. However, it is part of the "job" as a district board member (district supervisor) and essential for effectively serving the constituents. This chapter of the reference book provides some guidance for the board and the employees but is not a substitute for open and frequent communications between the board and staff.

We recommend the Board President and District Manager talk at least once a week to help keep the lines of communications open. There may be times the DM doesn't particularly need anything but this allows the President to stay informed on what current activities and issues the staff is working on. It also ensures the staff that the work they are doing is important to the Board. We don't advocate the Board micromanage the district but staying in touch and involved to provide proper guidance is invaluable.

Employee Handbook

Each district should have an Employee/Personnel Handbook. The Handbook should serve as a guide to employees regarding what is expected of them. Your CSCB Conservation Specialist will have several samples your district can use as a basis for your own. There is no need to reinvent the wheel, just amend one you like to fit your specific needs.