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Employee Development Programs		



Cross Reference: 8.06, 9.03, 9.04

Supervisor's Manual: 2.00, 2.01

I. Introduction

The Division of Police recognizes the value of identifying the need for employee development through counseling, training or retraining, and assistance with personal or job-related concerns. Programs established for this purpose include the Employee Action Review System (EARS), Technical Skills Development Program (TSDP), the Employee Assistance Program (EAP), **and the Performance Improvement Plan (PIP).**

II. Definitions

A. EARS

EARS is ***designed to be a reliable and credible review system that serves as a*** proactive tool to systematically identify patterns of behavior displayed by employees individually and as a group.

B. TSDP

TSDP is designed to ***improve*** job-related technical skills by providing remedial training to ***identified*** personnel. Program topics include, but are not limited to the following:

1. Report writing
2. Accident investigation
3. Traffic laws and enforcement
4. Division Directives Manual
5. Division firearms policy
6. Domestic disputes
7. Criminal law
8. Arrest, search, and seizure
9. Patrol operations
10. Police radio and computer operation
11. Defensive tactics

C. EAP

EAP is a ***HIPPA compliant, confidential program of Columbus Public Health, serving all City of Columbus employees, significant others, and/or dependents. The City EAP's scope of services***

includes comprehensive counseling, consultation, coaching, and information resource services. The program is designed to assist employees with personal or job-related concerns ***that*** may affect their personal or professional well-being.

D. Performance Improvement Plan (PIP)

The PIP is a comprehensive communication tool between a supervisor and Division employee used to identify performance categories and standards in which improvement or development is needed. The PIP is designed to assist the supervisor in communicating the performance areas where improvement is needed and the supervisory expectations of how and when improvements should be made.

III. Policy Statements

A. EARS

1. EARS shall be used to explore an employee's job performance to identify risk indicators, behavior patterns, and trends.
2. EARS may initiate intervention by alerting the chain of command that a review of the employee's behavior is warranted. The chain of command shall then decide whether any actions, such as education or deterrence strategies, are necessary. This reinforces the supervisor's involvement in the employee's professional development and the chain of command's periodic review of all factors relating to the employee's job performance.
3. ***EARS Committee referrals are not a basis for discipline. The goal of the referral is to make personnel aware of their actions and redirect these actions as necessary. The involved deputy chief has final approval on recommended courses of action for referred personnel.***

B. TSDP

1. Personnel may participate in the TSDP through their own initiative or as a result of a supervisor's direction.
2. The Training Bureau, in coordination with the training coordinators, shall facilitate the program.
3. When remedial training is directed and approved by the chain of command, contact the Advanced Training Unit Sergeant to schedule training for the next available date the course is offered unless there is a conflict with the employee's schedule due to vacation or mandatory training. Remedial training should be completed within six months of a deficiency being noted, if possible.

C. EAP

1. Personnel may participate in the EAP through their own initiative or as directed by a Division supervisor.

2. Personnel showing a positive drug test during random drug testing may be required to participate as prescribed by their respective collective bargaining agreement.
3. Personnel may participate in the program three times per year while on duty with no charge to their leave time. Additional visits may be scheduled on their own time.
4. Involved personnel shall contact the EAP office to arrange participation.

D. PIP

1. ***A PIP should be considered any time a supervisor determines a subordinate employee's performance is unacceptable or in need of development. The HR manager should then be consulted for additional guidance.***
2. ***A PIP shall be developed if a supervisor determines while preparing for an employee's annual performance evaluation that:***
 - a. ***A civilian employee's performance in any rating category will be deemed "Unacceptable" or "Development Needed." Refer to the "Civilian Performance Appraisals" directive and the "Civilian Performance Evaluation System" section of the Supervisor's Manual as needed.***
 - b. ***A sworn employee will be rated "Development Needed" in any performance category.***
 - (1) ***Refer to the "Sworn Performance Evaluations" directive and the "Sworn Performance Evaluation System" section of the Supervisor's Manual as needed.***
 - (2) ***A 90-Day Performance Evaluation Notice, form J-10.128, shall be completed and provided to the employee 90 days prior to the completion of the Sworn Performance Evaluation, notifying the employee of the categories needing development.***

IV. Procedures

A. EARS for Sworn Personnel

1. Internal Affairs Bureau (IAB)
 - a. No later than April 1 and October 1 of each year, review the following incidents in IAB's investigations database for patterns of behavior by all officers during the previous 12 months:
 - (1) Level 2 through Level 8 uses of force
 - (2) Citizen complaints for which the investigations have been completed ***by the Department of the Inspector General, reviewed by the Citizen Review Board, and ruled on by the involved officer's chain of command***
 - (3) Injuries to prisoners

- b. Review all complaints and exclude any of the following findings:
 - (1) Exonerated
 - (2) Unfounded based on Article 8.12 in the current collective bargaining agreement, unless there were 3 or more of these complaints during the 12-month period under review
- c. Prepare charts of the remaining complaints that:
 - (1) Show the total number of incidents.
 - (2) Show the total number of officers involved.
- 2. EARS Committee
 - a. During semiannual meetings, review the ***facts of the incidents*** identified by IAB ***or the other sources listed below to identify behavior patterns or other trends. Review the actions of the top five percent (5%) of sworn personnel identified in the listed categories.***
 - b. Vote to determine if the investigations reveal any ***perceived*** pattern ***of conduct related to the following categories:***
 - (1) Allegations (clusters or those similar in nature)
 - (2) Individual or group behavior
 - (3) Verbal or nonverbal communication
 - (4) Tactics
 - (5) Levels of uses of force compared with subjects' resistance/aggression
 - (6) Vehicular pursuits (provided by the Headquarters Operations Section Lieutenant)**
 - (7) Race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, and other generally objective means of describing subjects or complainants that are protected by a federal, state, or local law or ordinance**
 - (8) Reactions to key words, actions, or circumstances**
 - (9) Injuries sustained by citizens**
 - (10) Personality conflicts**
 - (11) Sick mark-offs (provided by Human Resources)**
 - (12) Other areas of concern**
 - c. ***If a consensus is reached that no pattern of conduct is perceived, take no further action and notify the employee directly of the committee's review.***
 - d. ***If a consensus is reached that there may be a pattern of conduct, notify the employee's chain of command.***

3. EARS Committee Chairperson

a. Following each EARS Committee meeting, prepare and forward the following information to the Public Accountability Subdivision Deputy Chief for review and approval:

(1) Meeting minutes

(2) Officer referrals

b. Advise Executive Staff of any referrals made and any patterns or trends identified by the committee.

c. Notify directly any officers who were reviewed by the committee but not referred. This information should not be shared with the officer's supervisors.

d. Review follow-up courses of action with the Training Bureau Liaison if the committee believes a pattern of conduct is caused by a training deficiency or training is needed to improve responses.

e. After receiving approval from the Public Accountability Subdivision Deputy Chief on officer referrals, draft a letter to the involved officer's deputy chief detailing the cases that were reviewed and the pattern or trend identified by the committee.

4. Public Accountability Subdivision Deputy Chief

Review and approve meeting minutes and officer referrals provided by the EARS Committee Chairperson.

5. Involved Officer's Immediate Supervisor

a. Examine the investigations reviewed by the EARS Committee, *and* consider all applicable records, *such as other administrative investigations or uses of force, disciplinary history, training records, pattern of assignments, or special duty assignments.*

b. Contact the EARS Chairperson if questions remain about the findings of the committee, such as what specifically was noted that concerned the committee.

c. Interview the officer.

d. Complete a Sworn EARS Plan, form J-10.110S, and make a recommendation on whether a pattern of conduct that warrants further review or another problem exists. Forward it through the chain of command within 14 days of receiving the EARS Committee findings.

(1) Recommend no further action when the review reveals no evidence of a pattern or another problem.

(2) Recommend a course of action when the review reveals evidence of a pattern or another problem. *Examples of courses of action include, but are not limited to, the following:*

(a) Technical Skills Development Program (TDSP)

(b) Employee Assistance Program (EAP)

(c) Peer discussion

(d) Documented review of the Division's core values and expectations

(e) Training

- e. Once a course of action is approved by the appropriate deputy chief, discuss the concerns with the officer and cause the follow-up course of action to be implemented. If remedial training is recommended, ensure that it is completed and documented within six months if possible.
 - f. Forward a draft of the Sworn EARS Plan to Human Resources for filing.
 - g. Upon completion of the Sworn EARS Plan, forward all follow-up information to the appropriate deputy chief.
- 6. Involved Officer's Chain of Command**
- a. Review the immediate supervisor's recommendations for accuracy, fairness, and compliance with Division policies.
 - b. Forward the summary of the follow-up to the appropriate deputy chief for approval.
- 7. Deputy Chief**
- a. Upon receiving the findings of the EARS Committee, forward the packet through the chain of command to the involved officer's immediate supervisor to conduct the follow-up when a perceived pattern has been identified.
 - b. Upon receiving the summary of the follow-up, approve a course of action, and forward through the chain of command to the involved officer's immediate supervisor.
 - c. Forward a copy of the chain of command findings and/or Sworn EARS Plan to the EARS Committee Chairperson.
 - d. Ensure that the follow-up course of action is implemented by the involved officer's immediate supervisor.
 - e. Forward all follow-up information to Human Resources when completed.
- 8. Involved Officer's Change of Assignment during Sworn EARS Plan**
- a. Involved officer's former immediate supervisor
 - (1) Forward the Sworn EARS Plan to the officer's immediate supervisor of the new assignment.
 - (2) Meet with the officer's immediate supervisor and discuss the Sworn EARS Plan.
 - b. Involved officer's immediate supervisor
 - (1) Advise the chain of command of the approved Sworn EARS Plan.
 - (2) Assume responsibility for implementation of the approved Sworn EARS Plan.

9. Human Resources

- a. File the draft of the Sworn EARS Plan in the officer's Master Personnel File.
- b. Upon receipt of the completed Sworn EARS Plan, maintain the original in the officer's Master Personnel File.

10. Professional Standards Bureau

- a. Conduct an annual evaluation of EARS for sworn personnel.
- b. Forward a report of the evaluation to the Chief of Police by April 1 of each year to include recommendations for improving the efficiency and effectiveness of the system. Include the following information:
 - (1) Number of referrals reviewed
 - (2) Number of plans submitted versus no action taken
 - (3) Three-year review to check for repeat referrals
 - (4) Any additional details/data necessary to determine efficiency and effectiveness

11. Training Bureau Liaison

Review follow-up courses of action with the EARS Chairperson and adjust the in-service training program as needed in response to trends and problems revealed.

B. EARS for Civilian Personnel

1. IAB

No later than April 1 and October 1 of each year, review the IAB database for citizen complaints involving civilian personnel. Forward the findings with a Civilian EARS Plan, form J-10.110C, to the involved employee's bureau commander/manager when a civilian employee has been involved in three citizen complaints within the previous 12 months.

2. Involved Employee's Bureau Commander/Manager

Review the findings received from IAB and forward it through the chain of command to the involved employee's immediate supervisor.

3. Involved Employee's Immediate Supervisor

- a. **Consider other available records, such as other administrative investigations, disciplinary history, training records, or pattern of assignments.**
- b. **Review applicable collective bargaining agreements.**
- c. Conduct an interview with the involved employee.
- d. Complete the Civilian EARS Plan and make a recommendation whether additional counseling or training is needed **and, if appropriate, a course of action. Examples of courses of action include, but are not limited to, the following:**

(1) Technical Skills Development Program (TDSP)

(2) Employee Assistance Program (EAP)

(3) Peer discussion

(4) Documented review of the Division's core values and expectations

(5) Training

- e. Within 14 days of receipt, forward the Civilian EARS Plan through the chain of command to the involved employee's bureau commander/manager.
- 4. Involved Employee's Chain of Command
 - Review the immediate supervisor's recommendations for accuracy, fairness, and compliance with Division policies.
- 5. Involved Employee's Bureau Commander/Manager
 - a. Review the Civilian EARS Plan returned through the chain of command by the involved employee's immediate supervisor.
 - (1) If no further action is required, forward the Civilian EARS Plan through the involved employee's deputy chief to Human Resources for filing.
 - (2) If additional counseling or training is recommended and approved:
 - (a) Cause the counseling or training to be scheduled.
 - (b) Notify the involved employee's chain of command.
 - (c) Ensure that the follow-up course of action is implemented by the involved employee's immediate supervisor.**
 - (d) Forward the completed Civilian EARS Plan through the involved employee's deputy chief to Human Resources for filing.**
- 6. Human Resources
 - Maintain the original Civilian EARS Plan in the employee's Master Personnel File.
- 7. Professional Standards Bureau
 - a. Conduct an annual evaluation of EARS for civilian personnel.
 - b. Forward a report of the evaluation to the Chief of Police by April 1 of each year to include recommendations for improving the efficiency and effectiveness of the system.
- C. TSDP
 - 1. Division Employee Requesting to Participate
 - a. Submit an application to attend training through the chain of command to your bureau commander/manager.
 - b. Include the following information in the request:
 - (1) The specific skill or skills needing improvement
 - (2) The reason for the remedial training, including any or all of the following
 - (a) Job performance or confidence is hampered or ineffective due to a lack of knowledge or skill in the specified area

- (b) No basic or previous training received in the specified area
 - (c) Inadequate basic or previous training in the specified area
 - (d) Significant updates or revisions in the specified area since the previous training was conducted
2. Division Supervisor Requesting an Employee's Participation
 - a. Submit a written request through the chain of command to the involved employee's bureau commander/manager.
 - b. Include the following information in the request:
 - (1) Documentation establishing the area of deficiency, such as ***the following:***
 - (a) Supervisor's personal knowledge
 - (b) Information received from the employee's co-workers
 - (c) Staff inspection report
 - (d) Prosecutor's notification
 - (e) Public notification (for example, complaints)
 - (f) Copies of written examples such as reports, forms, etc.
 - (2) Documentation of unsuccessful steps, instruction, or programs previously implemented and designed to correct the stated deficiency, including any counseling or progressive discipline
 3. Involved Employee's Bureau Commander/Manager
 - a. Approve or disapprove the request.
 - b. Forward approved requests to the appropriate training coordinator.
 - c. Return disapproved requests to the originator.
 4. Advanced Training Unit Sergeant
 - a. Coordinate TSDP training with the Training Bureau.
 - b. Advise the involved employee of the date, time, and location of the scheduled training.
 5. Involved Employee's Immediate Supervisor

If the training was a result of a supervisory request, monitor the employee for skill improvement.
- D. EAP
1. Division Employee Requesting to Participate as a Self Referral
 - a. Contact the EAP office and schedule an appointment.
 - b. Appointments may be scheduled on or off duty. If scheduled while on duty, notify your supervisor of the appointment date and time.
 2. Supervisor Referring Employee to EAP
 - a. Informal Referral

When an employee is experiencing life challenges and work performance is not impacted or minimally impacted, recommend the employee talk to EAP personnel.

b. Formal Referral

- (1) When an employee's work performance is impacted and discipline is possible, provide the employee with a completed EAP Referral Memo outlining the reason(s) for the recommendation with specific examples.

Note: The EAP Referral Memo is located on the City's intranet under the "Employee Assistance Program" link.

- (2) Forward a copy of the EAP Referral Memo to the EAP Director.
- (3) Set a date for follow-up with the employee and advise him or her that you will be monitoring his or her performance during that time.

3. Mandatory EAP Referral – Positive Drug or Alcohol Test

Advise the employee that he or she had a positive drug or alcohol test and is required to participate in EAP as directed by the City's Drug/Alcohol Testing Coordinator.

4. Bureau Commander/Manager Referral Following a Traumatic Event

Refer to the procedures outlined in the "Personnel Involved in Traumatic Events" directive.

E. PIP

1. Supervisor Implementing a PIP

- a. **Notify the chain of command through the deputy chief that you plan to implement a PIP.**
- b. **Develop the PIP in conjunction with Human Resources.**
- c. **Submit the PIP through the chain of command to the deputy chief.**
- d. **Upon approval from the chain of command, meet with the employee to provide the PIP.**
 - (1) **Identify actions to be taken by the employee to correct performance issues and any actions you will take to provide support.**
 - (2) **Determine time frames for completion of actions by the employee and supervisor.**
- e. **Submit a copy of the approved PIP to Human Resources.**
- f. **Continue to monitor the employee's performance during the PIP timeframe and provide feedback or additional guidance.**
- g. **At the end of the PIP timeframe, review the status of any performance improvements with the employee.**
- h. **Provide the employee with a copy of the completed PIP and submit the original to Human Resources.**

2. Human Resources

- a. Provide guidance for supervisors creating a PIP.**
- b. Track Division employees on a PIP, and ensure the PIP is provided to supervisors as appropriate when the employee changes assignments.**
- c. Place the original completed PIP in the employee's Master Personnel File.**