

NEAT and Tidy – Addressing Performance and Behavior Concerns with Instructional Staff



**Office for Employee Relations
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What We Will Cover

- Address unsatisfactory performance and/or behavior of instructional staff through progressive discipline and the NEAT process in alignment with the Marzano framework.
- Learn how to develop performance goals, monitor for improvement and document results.
- Use of tools and strategies to address and document behavioral issues with instructional staff, including knowing when to call Employee Relations for assistance.

Probationary Period



- How long is the probationary period?
 - Starting with the 2011-2012 school year, the probationary period for newly hired teachers was changed from 97 days **to the end of the school year for which the teacher was hired.**
 - In many cases, this represents an increase in the amount of time teachers are considered to be on probation.
 - Important: for teachers hired during second semester, it may actually represent a decrease in the amount of time a teacher is on probation.

Probationary Period

- What do you do if you are observing serious performance problems?
 - Monitor the performance of your new hires carefully, especially those teachers hired closer to the end of the school year.
 - If you have ongoing questions or concerns about the behavior or performance of any teacher in his/her probationary period, please contact Employee Relations for assistance as soon as the need is identified.

Annual Contract

April 1 deadline for notification of non-reappointment



Quick True/False

When meeting with an employee to discuss a performance concern for the first time, is it always best to have a written conference summary or letter of reprimand prepared ahead of time?



When You Need to Call a Meeting

Article VII - Section C Right to Representation.

Inform the employee of the purpose of the meeting and let them decide if they need the Union (or other representation) or withhold the purpose of the meeting but let them know that they have the right for a representative (Union or other) to be present.

- Save the details for the meeting
- Try to give at least a days notice where possible.

The Two Kinds of Potential Problems

Work/Job Performance

- An employee will assume their performance is considered to be satisfactory unless notified otherwise.
- Regular monitoring and communication with the employee is essential.

Behavioral Problems

- Immediate steps should be taken to identify and correct inappropriate behavior.

What is Just Cause....

- For most instructional employees, dismissal during the term of the contract can only be for just cause.
- Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education:
 - immorality,
 - misconduct in office,
 - incompetency,
 - gross insubordination,
 - willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

What is Just Cause....

- Or because of an instructional employee's evaluation
 - two consecutive annual performance evaluation ratings of unsatisfactory
 - two annual performance evaluation ratings of unsatisfactory within a 3-year period
 - three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory

What is Just Cause....

- Real example
 - Board was justified in terminating a teacher who had a pattern of excessive absences for gross insubordination and repeatedly failed to submit lesson plans in advance so they would be available for substitutes.
 - This teacher had previously been directed to: be in regular attendance and on time, communicate intent to be absent directly to the Principal, and submit lesson plans to the Principal per school policy.
 - This teacher had also been advised that further excessive absences will result in disciplinary action, including dismissal.

Dolega v. School Bd. of Miami-Dade County, 840 So.2d 445 (3d Dist. 2003)

What is Just Cause....

- Real example
 - Board was justified in terminating a teacher based on reduced effectiveness where former students, parents, co-workers, and others testified that the teacher engaged in inappropriate behavior, despite the fact that the teacher received satisfactory evaluations.
 - This teacher's resignation letter also stated that the working conditions at the school "almost define going postal." This was interpreted as a threat.

Knight v. Winn, 910 So. 2d 310 (4th Dist. 2005)

What is Just Cause....

- Real example
 - Board was justified in terminating a teacher who obtained academic credits for a course without doing any work when he used these credits to obtain his teacher certification.
 - *Mitchell v. School Bd. of Miami-Dade County*, 972 So. 2d 900 (3d Dist. 2007)

Call Employee Relations: We want to help you

- Student safety
- Excessive parent complaints
- Insubordination
- Communication/interactions with others, including students
- Student boundary issues
- Leaving campus without permission
- Smoking on a non-smoking campus
- Inappropriate pranks or jokes
- Engaging in social media that is disruptive to the workplace (be aware of protected activity)
- Timesheet fraud
- Breaching student confidentiality
- Improper use of school network
- Anything else you are concerned about

Call Employee Relations

- First observation score of Needs Improvement
- First summative evaluation of Needs Improvement or Unsatisfactory
- Any subsequent observation or summative evaluation of Needs Improvement or Unsatisfactory

Focus on the issue

At the onset of the concerns...

- Sit down and clearly define the problem for yourself
- Meet with the employee and explain the concerns ASAP
- Follow-up with documentation in a timely manner

Focus on the issue

Should the same concerns continue...

- Contact Employee Relations for advice if needed
- Meet with the employee, discuss the concern, what needs to be done to improve, and the past discussions on the issue
- Depending on the severity of the problem, anything from an informal letter up to and including a letter of recommendation for termination may be appropriate
- Follow up with documentation in a timely manner

Focus on the issue

Still no improvement...

- Contact Employee Relations for advice
- Meet with the employee, and discuss the concern, what needs to be done to improve, and the past discussions on the issue
- Several options are available
 - Performance
 - Issuing a Notice of Performance Concerns
 - Instructional Support Program
 - Potential termination
 - Behavior
 - Issuing formal or informal documentation

Things to Remember



Be specific. Tell the employee what the concern is and what they need to do to fix the problem.

Be consistent. The process you use for one employee should most likely be used for all employees.

Be fair. Try and treat each employee as if they were your most productive worker.

Developing a Performance Goal

Goal should be reflective of performance and not behavior.

Goal should link to the observation tool.

Address the goal in pre/post conversations.

Address the goal in the feedback provided during the observation cycle, including informals and other classroom visits.

NEAT Process

N is for Notify
E is for Explain
A is for Assistance
T is for Time



This process is built into the Observation cycle.

Contact Employee Relations for a template and process guidelines should you get to this stage with an employee.

Informal v. Formal Action

Informal Action

- Initial response
- Unsigned by employee
- Does not go into official personnel file

Formal Action

- For serious or recurring problems
- Signed by employee
- Goes into official personnel file

Focus on Attendance

When is there a problem in the area of attendance?

If an employee's attendance is bad enough, I can ask that they be terminated without any other documentation. After all, their leave record tells the story. (True or False)

Leave time should be considered to determine how many days of work an employee has missed? (True or False)

Focus on Attendance

ALL attendance letters should contain the following language:

If you have any questions regarding leave eligibility under provisions of the Family and Medical Leave Act (FMLA), please call the Leaves Division of the Office for Human Resources and Educator Quality at 42353. If you believe that the Employee Assistance Program may be of assistance to you, please call extension 42366.

Equity in Attendance Monitoring

Select a threshold for attendance monitoring and address it consistently for all staff.

It is not necessary for employees to go into an unpaid status before you address the concern.

Consider patterns, leaves, and past time off.

Any Questions?

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