

# TRAINING BULLETIN

Los Angeles Port Police



Ronald J. Boyd, Chief of Police

## USE OF SUPERVISORY COMMENT FORMS

LAPP FORM No. 4/2 - 03.54

PPD Training Bulletin # TB-11-001

### PURPOSE

This document is a guideline designed to assist supervisors, managers and executives in deciding when and how to utilize the Supervisory Comment Form. This training bulletin explains general practices and policies of the Department. In appropriate cases the decision to use this form can involve consultation with units such a Commanding Officer, the OCOP, and/or the LAHD Human Resources Division.

The Supervisory Comment Form is a non-disciplinary written record used to assist supervisors in the appraisal process, completing employee evaluations, providing training advice, and ensuring that proper recognition is given to the employee. The purposes of these comments and evaluations include ensuring effective department operations, employee development, and to document both positive and negative guidance provided by supervisors. A further goal of the appraisal process and this form is to increase efficiency by improving each employee's performance. This is achieved by correcting actions before they lead to activities which would rise to the level of misconduct.

### BACKGROUND

Monitoring and tracking employee performance is an inherent right and responsibility of management which applies to both sworn and civilian employees. Supervisors have a fundamental responsibility to communicate with and evaluate employee performance and are expected to do so. The proper use of this form will open lines of communication regarding a supervisor's expectations of his subordinates. The process advances the principle that all employees should be treated respectfully, equitably and fairly.

Not all employee actions or behavior rises to a level meriting commendation or requiring discipline. In some cases, recognition or counseling accompanied by documentation in a

Supervisory Comment Form may be more appropriate. The use of this form would not preclude the later issuance of a commendation or discipline but supervisors should be mindful of the procedures for their use and the requirements of California Government Code 3300 *et seq* (POBR).

Employee counseling, whether positive or negative, should take place relatively soon after the behavior or performance is first noted. In the case of negative comments, one purpose of non-disciplinary action is to inform the employee of a potential problem which may result in discipline if it continues; and to help correct the behavior before it becomes significant. It also advises employees of expected behavior. When comment is made on positive actions or behaviors, commenting soon after the event will reinforce the expected behavior.

**SUPERVISOR'S RESPONSIBILITY:** While documenting every incident or counseling session is not always required or practical, supervisors shall document significant instances of substandard performance or at risk behavior and related counseling.

When documenting positive and negative performance, training needs, and/or accomplishments of employees, the supervisor shall:

- Use the Supervisory Comment Form, Form No.4 / 2-03.54
- Review each employee comment entry with the concerned employee as soon as possible after the form is completed.
- Tell the employee that their signature does not indicate agreement with the written comment, only that they have received a copy of the Supervisory Comment Form.
- Have the employee sign the Supervisory Comment Form.
- Tell the employee that they may use an Employee's Report, Form No. 15.07 R. 5/95-70, to make a written response to the Supervisory Comment Form within 30 days after the review.
- The Supervisor writing the Supervisory Comment Form shall ensure any employee response received is attached to the original Supervisory Comment Form.
- Submit the Supervisory Comment Form to their Commanding Officer via their Chain of Command.

Note: Pursuant to CA Govt. Code section 3305, no public safety employee shall have any comment adverse to his or her interest entered into any file used by the employer for personnel purposes without the employee having first read and signed the document containing the adverse comments indicating he or she is aware of such comment. If the employee refuses to sign the form, note that fact by writing the employee name and the words "refused to sign" in the space where the employee was asked to sign, and have the employee sign or initial that notation. Optionally, another supervisor witnesses the refusal and attests to it by signing and dating the form indicating that the employees refused to sign but was provided notice and opportunity to read and sign the form.

Supervisors may find the following checklist helpful in determining whether this (or any documentation) is complete and accurate:

- Was the record created while the events were fresh in your memory?
- Have you indicated the date, time and location of the incident(s)?
- Have you noted with specificity what behavior, action or conduct the employee did or failed to do?
- Have you listed any performance standards that were exceeded, violated or substandard?
- Have you compiled and attached all relevant records, reports etcetera?
- Have you listed witnesses and or relevant documents?
- Did you record the impact of the action or behavior on the employee's total performance and or the operation of the unit or department?
- Did you notify the employee of the benefit of the approved behavior or the consequences of the failure to correct inappropriate conduct or performance?
- Did you indicate the employee's reaction to the information provided and or your efforts to modify behavior?
- Did you coordinate and consult with department management and or personnel staff in line with departmental procedure?

EMPLOYEES RESPONSIBILITY: Each employee is responsible for reviewing the Supervisory Comment Form to ensure that the information is accurate and complete. An employee who wishes to dispute or further elaborate on any information in the Supervisory Comment Form shall complete an Employee Report, Form No. 15.07 R. 5/95-70 and include a thorough description of the disputed written comment, attach any supporting documentation, and submit it to the Supervisor issuing the Supervisory Comment Form within 30 days of review (CA Govt. Code § 3606).

COMMANDING OFFICER RESPONSIBILITY: The employee's Commanding Officer (or civilian equivalent) shall conduct a preliminary review of the disputed information, and submit an Intradepartmental Correspondence, Form 07/09 indicating information in the Supervisory Comment Form to be corrected if appropriate. All disputes and or issues shall be resolved at the Commanding Officer level. The Commanding Officer shall be responsible for identifying whether any issues (such as training, equipment, vehicles, etc.) need to be addressed and forward appropriate notification to the Commanding Officer of the affected unit.

COORDINATING TRAINING: When an employee's performance results in a supervisory recommendation of directed or formalized training, the employee's commanding officer shall ensure that Training Division is advised of the specific training needs of the employee.

EMPLOYEE RIGHT TO REVIEW: Public Safety Employees have a right to review files that are or have been used to determine that employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action. This

includes personnel files and also the Supervisory Comment Form. Upon request of a public safety employee the department will arrange to make the files available for inspection during usual business hours.

SUPERVISORY COMMENT FORM FILING AND PURGING FROM FILE: Supervisory Comment Forms will be stored in the Port Police Division File maintained by each Division Commander.

Supervisory Comment Forms will be purged after the employee's next performance evaluation is completed. Each employee who is not serving a probationary period will be evaluated annually on job performance (Set forth on Los Angeles Harbor Department, Conditions of Employment 2.110). Shortly after the end of the employee's rating period, an "Employee's Evaluation Report" Form 304 5/94, shall be completed by the employee's immediate supervisor.

The contents of the Supervisory Comment Forms should be included and used, in part, as a basis for the annual evaluation. Original Supervisory Comment Forms will be shredded after they are memorialized in the completed annual evaluation.

If the form were not purged, and instead was to be placed separately from an evaluation into an employee's permanent personnel file, it would effectively convert it into a written warning. This would not be consistent with the intent of this form or process which is based on the evaluation process.



MICHAEL GRAYCHIK, Captain  
Professional Development & Training Division