



# Ocean City Police Department

## General Order

<b>Subject:</b> Employee Counseling		<b>No.</b> G.O. 200 C-1	
<b>Rescinds:</b> 500 C-1 (03/01/1988)	<b>Amends:</b>	<b>Related Directive:</b> G.O. 100 D-2	
<b>Approval Date:</b> 12/21/2009	<b>Effective Date:</b> 01/01/2010	<b>Distribution Date:</b> 12/29/2009	<b>Distribution Type:</b> A
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### TABLE OF CONTENTS

- I. Purpose
- II. Policy
- III. Employee Counseling
  - A. General
  - B. Superior Performance
  - C. Inferior/Substandard Performance
- IV. Retention
- V. Appendix

**I. Purpose:**

Feedback in the form of counseling is an important tool for supervisors to ensure acceptable employee performance and behavior. Employee counseling documents both superior and inferior performance; acknowledging and reinforcing the positive while correcting the negative. Documentation is one part of a constructive counseling effort designed to improve and record employee performance.

When an infraction is a first offense and relatively minor in nature, the supervisor should consider if the deficiency or conduct can be corrected through documented training or instruction. The training could range from reviewing the related policy with the employee to formal training or re-training. Unlike the Performance Evaluation which covers an employee's actions and behavior over a period of time, a counseling record pertains to the employee's activity relating to a specific event.

**II. Policy:**

Supervisors shall counsel employees on a regular basis and maintain accurate records of all counseling for future reference. Counseling generally shall be documented on a Department Counseling Record Form (OCPD Form 101) but may also be documented utilizing the Department's interdepartmental correspondence form (Form 95). Supervisors shall document employees' exemplary performance as well as deficiencies and minor infractions of rules, regulations, policies, and procedures.

**III. Employee Counseling**

**A. General**

1. Employee counseling should be conducted as soon as possible following any behavior, incident or effort which warrants recognition, whether favorable or unfavorable. During the counseling session, supervisors shall encourage employees to discuss their views of the actions/behavior in question.
2. All counseling sessions will be documented. Once the counseling has been conducted, the employee shall have an opportunity to comment, in writing regarding the subject matter of the counseling. Written comments by the employee must be submitted to the supervisor conducting the counseling session within two (2) working days of the date of the counseling session. All written comments made by the employee regarding the counseling session will be attached with the Counseling Record form and will be forwarded through the appropriate chain of command for review.
3. The supervisor will provide the employee with a copy of the Counseling Record. A second copy will be forwarded to the Chief of Police and the original will be maintained at the Shift/Section/Unit level for inclusion in the employee's performance evaluation.

4. A Counseling Record may be issued by any supervisor of the employee's chain of command or by a supervisor not directly within the employee's chain of command.
5. Counseling Records may be issued to sworn and/or non-sworn personnel including volunteers.

B. Superior Performance

1. Supervisors are encouraged to formally document, through Counseling Records, all instances of superior performance by employees. This type of feedback is a positive reinforcement of acceptable behavior and serves to enhance morale through recognition of a job well done.
2. Supervisors shall meet with employees privately to discuss the Counseling Record and commend employees for their performance. Supervisors shall also publicly commend employees with the work group as a means of recognition and to encourage superior performance by others.
3. If a supervisor recommends an employee for an award, a copy of the Counseling Record as well as all other required forms for award consideration shall be submitted to the Commendation Board for review and consideration as outlined in General Order 100 D-2: Commendation Board.

C. Inferior / Substandard Performance

1. Counseling Records used to address inferior/substandard performance are a non-punitive method designated for use by supervisors in those instances when a supervisor deems it necessary to counsel and correct an employee for minor infractions of rules, regulations, policies, procedures, or for poor performance.
2. The following are examples of incidents where, at the discretion of the supervisor, the Counseling Record may be used consistent with the practices outlined in the Department's Disciplinary Matrix.
  - a. Tardiness
  - b. Improper uniform/appearance
  - c. Failure to make timely radio response
  - d. Other minor infractions that need to be pointed out and corrected immediately.

3. Consistent with General Order 200 D-1, Disciplinary Process, when the Division Commander, Shift Commander and immediate supervisor are in agreement, the Counseling Record may be used to resolve minor citizen complaints, rather than punitive measures. The following are examples of allowable uses:
  - a. An isolated complaint about an employee's attitude or demeanor.
  - b. Minor speeding in police vehicles.
4. The Counseling Record may also be used as a component of the disciplinary system during the disposition of internal investigations, consistent with General Order 200 D-1, Disciplinary Process.
5. The supervisor, after an initial investigation and sometimes prior to interviewing an employee, must decide if the incident should be handled through the formal disciplinary process. When making this decision, information from the complainant, personal observations, employee's performance record, and other employee comments should all be taken into consideration. Even if the formal disciplinary process is used, the investigation can terminate with the issuance of a Counseling Record form and no punitive action.
6. The following procedures, as well as any corrective action, will be adhered to when the Counseling Record form is used:
  - a. The supervisor will summarize the complaint or incident and the type of counseling provided on the form.
  - b. As soon as possible after the completion of the form, the supervisor will meet with the employee and present him/her with the original form.
  - c. During the counseling session, the particular infraction shall be discussed by the supervisor pointing out specific deficiencies in the employee's performance.
  - d. Employees will be given an opportunity to express their views, verbally and/or in writing, regarding the incident which led to the counseling session and to develop and recommend corrective measures. The counseling session will end when the supervisor conducting the counseling identifies a specific course of action designed to assist the employee to improve in the areas addressed.
  - e. While an employee signature is not required on a Counseling Record, he/she will be given an opportunity to review, sign, and receive a copy of the original Counseling Record after copies are made.

**IV. Retention**

- A. The issuing supervisor shall retain the original copy of Counseling Record forms for all employees under his/her supervision. Counseling Records written for employees outside the author's chain of command shall be forwarded to the employee's immediate supervisor for retention purposes as outlined this policy.
- B. Supervisors shall document all Counseling Records received during an employee's rating period in the employee's performance evaluation. Once the performance evaluation has been reviewed, accepted, and finalized, the Counseling Record Form shall be destroyed.
- C. Counseling Records issued as part of an internal investigation will be maintained as part of the internal investigation case file.

**V. Appendix**

OCPD Form 101