

# How to Serve a Notice To Correct or a Comment Card



**1. Get all the facts, and get them right**

If you can't swear to the facts in an arbitration, don't write them in the CC or NTC.

**2. Talk face-to-face with the person**

Disclose your facts and your concerns about the facts, and state clearly that you intend to write a CC or NTC. *The most important part of serving a CC or NTC is the discussion that precedes it.* It is in the pre-service discussion where the real leadership transaction occurs.

**3. If the person disputes the facts, quickly check them out**

The employee may have facts or perspectives you did not consider before. You may even decide to change your mind about the situation once you've heard the employee's side.

**4. Write it correctly, serve it promptly**

If, after determining that your facts are right, you still want to do a CC or NTC, write it according to the suggested guidelines (attached) and serve it quickly, preferably within 3 days.

**5. State only the facts and claims you discussed earlier**

Stick to what you discussed with the employee in the initial pre-service meeting. If you haven't discussed it, don't write it.

**6. If you and the employee agree on a change, make the change**

If the person doesn't like the *language*, and you can agree to changing the wording to still accomplish the same purpose, then change it. If not, politely let the person know that their suggested change in language won't work. You do not have to surrender the purpose or effect of your document. But it is important that you *listen*. Sometimes just changing a phrase or sentence or paragraph according to the request of the employee will result in acceptance by both parties.

**7. Follow-up**

Give sufficient time for the employee to show improvement (or not), then follow-up with another discussion to update the employee with your observations of their performance, and write a CC based on your follow-up observations and discussion. *The Follow-up CC is extremely important.*

**NOTICE TO CORRECT DEFICIENCIES**

EMPLOYEE'S NAME			DATE
(First)	(Middle)	(Last)	
CLASS TITLE			CLASS CODE
DEPARTMENT/PUBLIC WORKS BUREAU		BUREAU/DIVISION	
POLICE DEPARTMENT			
STATEMENTS OF DEFICIENCY (Use Reverse Side if Necessary)			

- DESCRIBE YOUR OBSERVATION:
- IDENTIFY THE EMPLOYEE'S THOUGHT PROCESS (optional):
- IDENTIFY **VALUES**, RULES, & POLICY :
- DESCRIBE WHAT COULD HAPPEN IF THE ACTIVITY CONTINUES:
- DESCRIBE WHAT THE EMPLOYEE SHOULD HAVE DONE:
- DESCRIBE EXPECTATIONS (optional):

CONSEQUENCES FOR NOT CHANGING (List only what you **realistically** intend to do if behavior doesn't change: do NOT inflate or exaggerate; do be creative, and don't be timid. If the misbehavior recurs, **do what you said you'd do**, and do it promptly).

If you behave in the same or a similar way again, any number of the following things will likely happen to you:

*[NOTE: only state the items that you **actually believe** will or should occur: don't list all of them. This is just a partial list of suggested options to select from]*

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. A personnel Complaint will be initiated against you.</li> <li>2. You will be reassigned to a position of lower paygrade.</li> <li>3. You will be deselected from a bonus position.</li> <li>4. You will be transferred to another Bureau.</li> <li>5. You will be moved to a different work schedule.</li> <li>6. Your salary will be reduced through merit pay rate reduction.</li> </ol> | <ol style="list-style-type: none"> <li>7. You will be precluded from promotion.</li> <li>8. You will be made ineligible for assignment to one or more specialized units.</li> <li>9. You will be precluded from working the field.</li> <li>10. Your work hours and days off will be adjusted.</li> <li>11. You will be removed from a specialized division.</li> </ol> |
|--|---|

Prepared by: \_\_\_\_\_, Serial No. \_\_\_\_\_

IMMEDIATE SUPERVISOR SIGNATURE	APPROVED BY	TITLE

The purpose of this notice is to call the above deficiency to your attention, and give you an opportunity to correct it. A copy of this notice will be placed in your personnel file and may be considered in future disciplinary actions.

Without agreeing with the above, I certify that I have received a copy of this notice.	EMPLOYEE SIGNATURE	DATE

# USING COMMENT CARDS AND NOTICES TO CORRECT

## Basic concepts for Comment Cards:

1. Your purpose is to **encourage effective performance**.
2. Write **to** the person, not *about* the person.
3. Comment Cards are for *individual* use. Do not use one CC for a group.

## Some Uses for the Comment Card:

1. **Affirm effective performance.**
2. **Adjust ineffective performance.**
3. Record agreed-on performance goal & timeline or give feedback on progress toward agreed-on goal & timeline.

**A Comment Card is not to state that repeating the conduct will result in future disciplinary action.**

## The Notice to Correct Deficiencies:

1. Warn or admonish an employee of **deficient performance**, or that a **particular act** was a violation of a rule, policy, procedure, or expectation; and
2. Put the employee on notice that continuing the deficient performance or repeating the particular act (or acts like it) will result in at least a set of **particular adverse actions**.

**The Notice to Correct is the correct form to state that repeating the problem conduct will result in specific personnel actions against the employee.**

## Suggestions on Administering CC's and NTCDs

### **Tell them up front**

If you plan to use a CC or NTCD, promptly tell the person that you plan to issue it. If you *don't* tell the person you're going to issue it and you spring it on them days later, they may feel betrayed: "*Why didn't you tell me this was coming?!*"

### **Be willing to negotiate**

If the person receiving the CC or NTCD requests alternate wording, ask the recipient what wording they would use. You can't negotiate standards or facts, but you can negotiate style and wording.

### **Do it for the right reason**

Operate strictly out of business-related motivation. You may have emotions, but they cannot be the motivation for the document or its contents. Advance the *Department's* interests, not your own.

### **Act as a team**

Writing in isolation can make a leader feel personally or emotionally committed to a document. Show what you've written to a peer you trust and who will be honest with you. *Then make the changes.*

### **For Adjusting CCs or NTCs: Convey at least these four elements:**

1. What specific behavior the person did.
2. What effect(s) this has (or had or could have) in the workplace (i.e., the "natural consequences" of their behavior).
3. The values or principles that the person *should* have been acting.
4. What specific behavior you expect from the person in the future (i.e., what they should do differently in the future in similar situations).

### **For NTCs**

Include language similar to, "If this happens again at least one or more of the following will occur..." Then list the administrative consequences that will occur if the conduct occurs again. Remember to only include actions that you are authorized to do.

### **It's About People, Not Paper**

You're not just *spending* your time "documenting": You're *investing* your time in a human being who is worth your time.

## **Words to Consider Avoiding**

These are labels, or conclusionary remarks, or "conversational shorthand." They're usually *not* wise to use in a CC or NTC<sup>1</sup>. Rather than using these words, it is better to depict the employee's actions and compare them with the standards.

**Numerous**      How many is numerous? Four? Seven? A hundred? If it's important for you to state a number, state a number. Because "numerous" can mean anything, the recipient can (and often will) interpret it in the worst way.

**Poor Judgment**      Instead of using this inflammatory term, write what they *should* have decided—and why they should have decided that. Then explain why the alternative is better.

**Positive**      This is often used to say that something is good. But it doesn't tell us the

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<sup>1</sup> If you absolutely can't resist using one of these "Terms to Avoid," clearly show the behavior the term refers to so there is no question what you mean by the term.

facts. If you read that an employee "conducted himself in a positive manner" do you know what the employee did? Do you know what standards the employee met? Can you tell whether the employee *merely met* the standards? Can you tell whether the employee *exceeded* the standards?

"Positive" can be a supervisor's way of avoiding a description of the facts. It can also show that the supervisor doesn't *know* the standards or is unable to express them.

**Negative** (same as "Positive" above)

**Positive Impact/Negative Impact** Don't tell us it had an "impact"—tell us what happened.

**Professional** What exactly is "professional" anyway? Beware that this vague word is often used by writers who want to convey a general idea about a person without specifying the behaviors the person is performing. A CC or NTCD is for specific comments, not vague ideas.

**Attitude** What *is* an "attitude" anyway? The word is usually vague or too subjective to be useful. Describe the underlying *behavior*.

**Inappropriate**  
**Excessive**  
**Inadequate**  
**Insufficient**  
**Unsatisfactory** Instead of just saying some act was "inappropriate," "excessive," "inadequate," "insufficient," or "unsatisfactory," state what should have been done and why, then explain how the behavior the person displayed didn't meet that standard. Instead of *labeling* the employee's action, put down the facts.

**Issue** This word is so general it's about useless. Imagine receiving a CC that tells you, "You have interpersonal issues," or "You are counseled to improve your performance issues," or "You are directed to resolve your attendance issues." None of these helps the employee know what the "issue" is.

# EMPLOYEE COMMENT SHEET

**Employee:**

**Serial #:**

**Division:**

**Period Covered: From**

**To:**

**Note:** Employees may provide a written response to any comment within 30 days after reviewing the comment.

Incident Date	Comment	Spvr Comment	Emp Init	Review Spvr & Date
	<p><b>This is what the employee did or what the supervisor observed:</b></p> <p>"On January 2, 2015, I observed you leave your shotgun unattended on the roof of your vehicle..."</p> <hr/> <p>(NOTE: This next portion is optional to include in the comment card however this should be discussed with the employee)</p> <p><b>Identify the employee's thought process:</b> Ask the employee, "What was going through your mind when you decided to..." prior to completing this section.</p> <p>"You indicated to me that you turned your attention away from the shotgun for one-minute while you greeted another officer. You did not feel your actions were negligent."</p> <hr/> <p><b>Values, rules, &amp; policy discussion on what could happen if this activity continues:</b> Describe the Department values and the employee's role in maintaining them.</p> <p>"Maintaining control of a weapon has a direct impact on your personal safety, the safety of other officers and the public. Failing to maintain control of a weapon could result in injury, death, and litigation."</p> <hr/> <p><b>What will the employee do differently and why?</b> Allow the employee to identify how to correct the behavior and provide rationale on why it is important.</p> <p>"You indicated to me that in the future, you will not allow your attention to become diverted from maintaining physical control your weapon, even for a moment. You also articulated an understanding that failing to control your weapon could result in its loss or injury."</p> <p>You may also identify future expectations.</p> <p>"In the future, I expect you to maintain physical control of your weapons at all times."</p>			