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[Corporate Combudsmen Association conference, Cape Cod]

1984

CORPORATE OMBUDSMAN CONFERENCE - JULY, 1984

Dear Colleague,

This questionnaire was developed partly as a means to help stir discussion at the conference. As you will see, it is not machine-scorable; it was developed in the hopes you would feel free to scribble all over it. There is no place for your name or company or for identifying details; it is genuinely meant to be anonymous. If most people fill out these questionnaires, a summary will be sent to each conferee. If you think different questions should have been asked, please tell Martha or Chris or Mary? Please also then mention whether we should ask your question(s) in a general meeting; (would you want a show of hands tomorrow?) or add them to another questionnaire next time.

If you feel we should have asked more descriptive questions about each office and each company, please say so. We could have asked such questions as: How many people do you see a year? When did your office begin? Why was it started? We did not do this, this time, because we did not want to do so without a mandate from colleagues.

If you are in a position where you now simply supervise ombuds practitioners (e.g. Open Door Investigators), please answer as if you were one of those practitioners in your own company?

Thank you for your time (and wisdom).

CORPORATE OMBUDSMAN CONFERENCE - JULY 22, 1984

Dear Colleague:

A major purpose of this conference is for conflict resolution specialists to be able to discuss cases--(off the record)--with each other. Our hope is that everyone will have a chance to discuss puzzling cases, that we will help each other track new trends in employee concerns, and that we can begin to pull together the best ideas each of us has.

Tomorrow morning's discussion on Techniques of Conflict Resolution will concentrate on case examples brought up in small groups. Please consider what are your most interesting (or terrible) cases to put forward tomorrow, and what you think are the best techniques for dealing with problems.

The case examples attached are to provoke discussion during the conference. We also want to ask you on Tuesday whether you think it would be worthwhile to compile a notebook of Case Studies for Ombuds Practitioners. Would you want to contribute a case? (Your case could be a success or catastrophe, signed or anonymous, sobering or hilarious so long as it would be useful to others.)

THE CONFIDENTIAL BREAKFAST

The phone rings at home. Your caller at first will not give his name. After the third iteration of how your office is confidential, you are asked to an early morning breakfast at, of all places, a major railway station diner. At breakfast a very nervous research manager describes the problem brought to him by two of his engineers.

The manager wants first to be sure you understand his own patriotism, his concern that the Department of Defense get the best, his loyalty to the company, his 100% commitment to his boss, his own extraordinary hard work to try to have prevented this problem.

The problem is that these two young engineers began last week to do thorough tests of new equipment for the Defense Department. The tests indicate some production problems. But, what's much worse, there may be serious design flaws. The equipment may not be safe to use. It's a painful subject because these two young hot shots had been predicting just such flaws.

The first shipments went a week ago. The manager quietly admits that very little of the testing required by the contract ever got done. The manager has been working around the clock; so have his people. But critical deadlines slipped away and no one at the top was willing to wait for adequate testing. The senior manager insisted on shipping the equipment out because of high publicity about the project.

You sit listening, aware of the possibility that users of this product could get hurt, trying to think through the alternatives.....

THE GREAT SAVINGS BOND BATTLE

"This company won't let me buy Savings Bonds! If you don't fire that payroll manager I'll write a letter to the City Gazette about the lack of patriotism here. This is why this country is taking a back seat to Japan. My husband fought in WWII and by God I'll buy Savings Bonds if I want to!"

The fiery old lady bursts into your office. This isn't a good time for an interruption. In fifteen minutes you are due to appear before the Employee Handbook Revision Committee. This is their fourth meeting to consider a rewrite of the flexible hours policy. You are the last person invited in to talk with the Committee. (They had not originally invited you, but rectified their oversight due to your exceptionally astute remarks to the Committee Chairman.) But your fiery visitor regains your attention..... "You let me buy Savings Bonds or I'll make sure you regret ever having met me!"

Yes indeed.

You call the payroll manager--(not with the lady's permission exactly, more at her fierce demand). "Is there some reason why Josephine Trueblood isn't being permitted to buy Savings Bonds?"

The telephone hurts your ear. "If that woman comes back to this office, I will quit. She refuses to abide by Government regulations and her shouting upset only about fifty of my people. Get rid of her. She's completely crazy."

"Josephine Trueblood, is it true that you have somehow refused to comply with some Government regulations?" you ask, completely baffled, looking at this near-retirement woman.

Trueblood roars at you, "I wouldn't sign that form, if you....." She catches her breath. "And neither should any other woman in the country. I'm going to go back to that sexist pig and let him have it!"

Quickly you call back the payroll manager. "Could you let me know how Trueblood is refusing to comply with Government regulations?" The manager explains to you angrily that to buy Savings Bonds you must sign your name and indicate "Mr., Miss, or Mrs." Josephine Trueblood has insisted on "Ms." or nothing and said she would take him to court for sex discrimination. He knows his regulations and he isn't going to let another militant libber do the country any more damage. "If the company hadn't started hiring women this kind of problem would never have happened. For God's sake get rid of her and let an honest man get some work done. Fire her. She's disrupting the whole department!"

Over the phone line, you can tell, before the line goes dead, that Trueblood has indeed returned to disrupt the payroll department. Quickly, you decide to....

QUESTIONNAIRE FOR CORPORATE OMBUDS PRACTITIONERS - JULY, 1984

1. Are you a full-time ombuds practitioner or complaint handler? _____
Or do you have other roles as well? _____ If so, please say what proportion of
your time is spent in what other roles?

2. Is your office in general supposed to be a confidential office, as long as your
visitor wishes you to keep the visit confidential?

3. Do you keep formal records of visits? _____ By the name of the visitor? _____
With some description of the visitor's concern? _____ Do you destroy these
records after a certain period of time? _____ If you keep records only part of
the time, under what conditions would you keep a record?

4. Have you ever worried about whether you should break the confidence of a visitor?

_____ Because I thought my visitor was or might be dangerous to him/
herself;

_____ Because I thought my visitor was or might be dangerous to another
(or to me);

_____ Because I learned someone else might be dangerous to self or others;

_____ Because I learned of unethical or dishonest behavior (theft, etc.)
which I thought should be addressed;

_____ Because I learned one of our managers was incompetent, intolerably
mean, racist, sexist, etc.

_____ Other

5. Are you (often or occasionally or never) sought out by people who might otherwise
become external whistleblowers? _____ That is, do people ever come to you want-
ing help on dealing with ethical and safety problems? _____ Comments?

6. Have you ever been leaned on, in-house, to break a confidence of your office? _____
Have you ever been told that you'd be subpoena'd? _____ Have you been subpoena'd?
_____ And, if so, did you testify? _____ Is this a subject worth more explora-
tion? _____ Would you be interested in:

_____ "Shield laws" in your state (to protect you from testifying);

_____ More help from professional associations, (for example, a Corporate
Ombudsman Code of Ethics), and/or the American Bar Association, to resist
subpoenas;

_____ More discussion with other practitioners about this topic;

_____ I believe I should testify if subpoena'd, and/or would rather leave
it up to the discretion of the judge;

___ If my employer's interests were at stake or were thought to be at stake, I would feel I should testify.

___ Other

7. Do you see yourself as an "advocate?" _____ If so, for what or whom?
8. Are you designated as an advocate?
9. Do you see yourself as (attempting to be) a neutral?
10. Are you designated as a neutral by your employer?
11. Are you often taken to be more (or less) of an advocate than you see yourself to be?
12. Is this subject of interest to you? _____ To explore with ombuds practitioners?
_____ To change how you are seen internally? _____
13. Do you report to the CEO or equivalent? _____ If not, to whom?
14. Are you expected to have oversight over others who also report to the CEO? _____
15. Are you expected to be readily available to others who report to the CEO?
- ___ Yes, I generally treat them as if I reported also to them.
- ___ Yes, I treat them as colleagues.
- ___ I have very little to do with them.
- ___ Depends on the people involved.
- ___ Other
16. Are you available as a conflict resolution practitioner to managers and professional employees?
- ___ Yes, the same as for other employees;
- ___ Yes, and I also do a lot of management consulting with and for them: they come in qua employees and come in also as supervisors seeking help with employees;
- ___ Yes, but only in their supervisory role;
- ___ No, not allowed to.
- ___ No, they could come in but they don't.

____ Comment?

17. If you are available to managers and professional employees, do such persons seek you out proportionately more often, less often or the same as other employees? Has this changed over time?_____ How?

18. Do you see people for any kind of (work-related) problem?_____ Is your purview defined?_____ If so, how?_____

(Do you think the definition, if any, is appropriate, or should it be wider or narrower?)

19. Do people come to see you with scientific and technical disputes?_____ Is this kind of problem of interest to you for discussion with ombuds colleagues?_____

20. Is your office seen as an "option," so that employees can choose either to go to you or choose another route?_____ Or are you (so to speak) singular in your role?_____ If the latter, what happens when you are away; is this a problem?

Would it help to have counterparts of different races and sex?_____ Comments?

21. Do you see yourself, and are you seen, as part of a "complaint (or grievance) system" for your company? _____ Is this explicit?

22. Do you work together with in-house or out-of-house legal counsel?_____ Would you say you call them rarely?_____ Occasionally?_____ Often?_____

*23. What proportion of your time do you spend in:

____ information and/or referral;

____ counselling on work problems and grievances, (e.g. helping people help themselves);

____ formal fact-finding with? or without? making formal recommendations to someone else;

____ conciliation (seeing first one disputant, then another);

____ mediation (seeing disputants together);

____ adjudication, or joining an adjudicative committee;

____ giving upward feedback; working with managers on preventing work problems; working on committees, etc.;

____ Other

*(If you have other duties beyond dispute resolution and work problems, please answer Question 23 as if these responsibilities were 100% of your job.)

24. Do you see being an ombudsman as a profession? _____ Or as one step in career development? _____ If this is a profession, should there be special training for it? _____ Comments?

25. Has your office ever done a cost/effectiveness analysis of the office? _____ Should a sub-committee of ombuds practitioners work together on how to do this? _____

26. Do you keep aggregate records of your most frequent problems? _____ Do you have a sense of what are your most difficult problems? _____ Should ombuds practitioners try to keep formal or informal track of these questions among ourselves? _____ Would you want future practitioners' meetings (if any) to offer specific training on any questions? _____ Would you be interested to write (or use) case studies?

27. Here is a list of problems for you to consider. Would you mark each problem?

Here's the code:

N=never (My company never has this problem or if they do, I don't see it.)

O=occasionally (This comes in once in a while.)

F=frequently (This comes in a lot.)

T=this would be a good topic for training ombuds practitioners, or for discussion at a group like this.

CS=this is an area where we need case studies.

(Whether the problem comes in rarely or often need not of course affect whether a group like ours should address it. If you see it all the time, you may be bored with it.....or want a new perspective.)

- ___ unjust dismissal/wrongful discharge complaints;
- ___ salary equity complaints;
- ___ performance evaluation complaints;
- ___ promotion/posting system complaints;
- ___ supervisor/supervisee tension;
- ___ harassment problems (all kinds, or specify);
- ___ other EEO/AA problems, (specify if you wish to);
- ___ scientific/technical disputes;
- ___ other health, safety, ethical problems;
- ___ problems with seriously emotionally disturbed people;
- ___ dealing with specific difficult managers;
- ___ dealing with specific difficult employees;
- ___ dealing with difficult employee groups;
- ___ dealing with irate relatives of someone at the company;
- ___ keeping the Bureaucracy moving (parking spaces, pay advances, red tape);
- ___ Ombudsman stress/burn-out;
- ___ Other:

28. In general, if you were ever to come back to a conference like this, would you prefer organized discussion among colleagues, or formal training sessions, or lectures, or role playing, or films or skits on the problems that interest you?

29. What other questions should we have asked?



OFFICE OF THE PRESIDENT

MARY P. ROWE
SPECIAL ASSISTANT
TO THE PRESIDENT

77 MASSACHUSETTS AVENUE
ROOM 10-213
CAMBRIDGE, MASSACHUSETTS 02139
(617) 253-5921

July 10, 1984

Martha Maselko
Ombudsman
AT&T Information Service
Crawford's Corner Road
307 Middletown-Lincroft Road
3B 106A
Lincroft, NJ 07738

and

Christine McEachern
Director
Personnel Communications
Anheuser-Busch Companies
One Busch Place
St. Louis, MO 63118

Dear Martha and Chris:

Enclosed are drafts of:

- 1) Two possible case examples;
- 2) One proposed letter to be given out with four or more case examples on Sunday night;
- 3) A proposed questionnaire to be given out at registration.

My own guess is that few people will actually be on board at 4:00 p.m. Sunday. For those that are on board I would like them to have something to do, 4:00-5:00 p.m. when, I suspect, our first meeting will actually happen. One thing will be Introductory flip chart sheets. Another would be the questionnaire. What do you think?

Martha Maselko and
Christine McEachern

-2-

July 10, 1984

Please suggest ways of making some of the questionnaire
funnier? Add some funny questions?

Yours,

Mary P. Rowe

Mary P. Rowe

MPR:CT
Enclosures

Corporate Ombudsman

C O N F E R E N C E

FOR WHOM: A role not easily described that comes in many shapes, sizes, and titles such as: Director of Personnel Communications, Special Assistant to the President, Ombudsperson, Work Problems Counselor, Resident Manager, Open Door Investigator, Employee Relations Manager, In-Plant Counselor, Employee Assistance, Employee Representative, Grievance Counselor. These are a few of the many names and titles. Basically, the person is an appointed third party acting as a designated neutral dealing with non-union employee complaints.

TO DO WHAT: You are invited to a conference to discuss the function with persons holding the position. Share with representatives from Anheuser-Busch, MIT, AT&T Information Systems and others about what they are doing and the benefits for its members.

AND WHY: The purpose is three-fold:

- to establish and identify a charter organization for corporate ombudspersons and develop methods to educate and support each other
- to provide people with an opportunity to share topics of interest with others in similar positions (Please note identified topics on attached page)
- to have an enjoyable and enriching experience through sharing

WHEN: Beginning with registration on July 22 at 3 p.m. Ending July 24 at 2 p.m.

WHERE: The Cape Codder Hotel, Falmouth, Massachusetts (limited space available)

CONFERENCE FEE: \$40 Registration Fee payable upon arrival. The remainder of the fee will vary depending on room accommodations you select. Prices range from \$330 to \$450 including meals and breaks. Payment will be made directly to the hotel upon departure. Reservations can be made by calling the Cape Codder Hotel (617) 540-8179 or 1900. A deposit will be required.

NEXT: Please return the enclosed postcard or for more information contact one of the coordinators listed below:

Martha Maselko
Ombudsperson
AT&T Information
Systems
Lincroft, NJ
07738
(201)576-3830

Chris McEachern
Director of Personnel
Communications
Anheuser-Busch Co., Inc.
St. Louis, MO
63118
(314)577-3374

Mary Rowe
Special Assistant to
the President
MIT 10-213
Cambridge, MA
02139
(617)253-5921

AGENDA - CORPORATE OMBUDSMAN CONFERENCE

<u>DATE & TIME</u>	<u>ROOM</u>	<u>TOPIC</u>	<u>FACILATATOR</u>
<u>SUNDAY, JULY 22</u>			
3:00- 4:30 pm	Main Lobby	Registration	<u>Pat Alperti</u> * <u>Pat Yorky</u>
4:30- 6:00 pm	Sippewissett Room	Introduction: "Who Are We?"	<u>Mary Rowe</u>
6:00- 7:00 pm	Poolside	Reception	
7:00- 9:00 pm	Veranda	Dinner & Speaker	<u>Chris McEachern</u>
9:00-10:00 pm	Quissett & Porch	Hospitality	
<u>MONDAY, JULY 23</u>			
7:00- 8:30 am	Veranda	Buffet Breakfast	
8:30-10:00 am	Sippewissett Room	Techniques of Complaint Resolution	<u>Chris McEachern</u> <u>Martha Maselko</u> <u>Mary Rowe</u>
10:00-10:30 am		Report out in large Group	
10:30-10:45 am	Porch	Break	
10:45-12:00 noon	Sippewissett Room	Recent Development in Employment at Will	<u>Mary Rowe</u> <u>Jerry Weinstein</u>
12:00- 2:30 pm	Lawn & Pool	Buffet Lunch & Swim	
2:30- 3:30 pm	Sippewissett Room	Reporting Structures: Where & How Do We Fit In?	<u>Martha Maselko</u> <u>Chris McEachern</u> <u>Mary Rowe</u>
3:30- 4:00 pm	Porch	Break	
4:00- 6:00 pm	Sippewissett Room	Confidentiality Record Keeping, Privacy, Duty to Warn	<u>Mary Rowe</u> <u>James Simon</u>
6:00- 9:00 pm	Poolside	Cocktails & Clambake	
9:00-10:00 pm	Quissett & Porch	Hospitality	
<u>TUESDAY, JULY 24</u>			
7:00- 8:30 am	Veranda	Buffet Breakfast	
8:30-10:00 am	Sippewissett Room	Upward/Downward Communication	<u>Chris McEachern</u> <u>Martha Maselko</u> <u>Mary Rowe</u>
10:00-10:30 am	Porch	Break	
10:30-12:00 noon	Sippewissett Room	What's Next? Subcommittee for Ombuds. Association	<u>Mary Rowe</u> <u>Martha Maselko</u> <u>Chris McEachern</u>
12:00- 1:00 pm	Veranda	Lunch	

*Underlined person indicates Facilatator of session. If you have any questions concerning a specific topic, please contact the Facilator.

from the desk of the

Ombudsperson

Martha Maselko Lincroft ~~XXXX~~ (201) 576-3830

July 9, 1984

Chris McEachern, Mary Rowe and I very much look forward to meeting you at Cape Cod. At present there are fifty people attending, and we have formulated an agenda from the topics which have the major interest. The topics are:

- o Corporate Ombudsman in the U.S.
- o Techniques of Complaint Resolution
- o Employment at Will
- o Reporting Structures - Where and How Do We Fit In?
- o Confidentiality, Record Keeping and Privacy
- o Information to Management
- o The Ombudsman as Internal Consultant (small groups)
- o Do We Want a Subcommittee to Set Up an Ombudsman Association?

If there is something that you think is critical, and is not being covered by the above, you will have an opportunity at the beginning of the conference to add it to the agenda.

A number of you have offered to bring case studies and/or articles to the conference. Since it will be difficult to make large quantities of photocopies, please bring sixty copies of any materials or articles you might be willing to share.

The hotel has asked us to remind you to send your deposit if you have not already done so. We encourage dress for sunshine and swimming. Please feel free to contact me if you have any questions.

See you soon,

Martha Maselko
AT&T Information Systems
Room 3B106A
307 Middletown Lincroft Road
Lincroft, NJ 07738

Att.
List of Attending Organizations

from the desk of the

Ombudsperson

Martha Maselko Lincroft x3430

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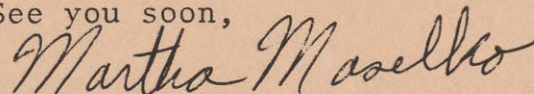
- Corporate Ombudsman in the U.S.
- Techniques of Complaint Resolution
- Employment at Will
- Reporting Structures - Where and How Do We Fit In?
- Confidentiality, Record Keeping and Privacy
- Information to Management
- The Ombudsman as Internal Consultant
- Do We Want a Subcommittee to Set Up an Ombudsman Association?

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The hotel has asked us to remind you to send your deposit if you have not already done so. We encourage dress for sunshine and swimming. Registration will be at 3:00 pm in the Main Lobby, and the conference will begin at 4:00 pm in the Sippewisset Room.

See you soon,



Martha Maselko
AT&T Information Systems
307 Middletown-Lincroft Road
Lincroft, NJ 07738
(201) 576-3830

Att.
List of Attending Companies

ATTENDING COMPANIES

AT&T Information Systems

Upjohn

MIT

Anheuser-Busch

Polaroid

Simmons

AT&T Bell Laboratories

Digital

United Technical Corporation

World Bank

Lotus Dev. Corporation

Department of Health

Owens-Corning

General Electric

General Telephone Co. of CA

Time, Inc.

First Atl. Corporation

FMC Corporation

Schering

General Dynamics

Maryland

B. F. Goodrich

S. C. Electric & Gas

Pa. State University

Southland Corporation

Firestone Tire & Rubber

Medi-Tech

Educ. Fund for Ind. Rights

Bank of Boston

McDonnell-Douglas

Sanders

AT&T Tech. Systems

Cremson Travel

Howard Johnsons

AGENDA
CORPORATE OMBUDSMAN CONFERENCE

<u>DATE & TIME</u>	<u>ROOM</u>	<u>TOPIC</u>	<u>PERSON RESPONSIBLE</u>	<u>FORMAT</u>	<u>PROCEDURE</u>
<u>SUNDAY, JULY 22</u>					
3:00- 4:30 pm	Main Lobby	Registration	Pat Alperti Pat Torky	lg. group	flip charts introduce oneself
4:30- 6:00 pm	Sippewissett Room	Introduction: 'Who Are We?'	Mary Rowe	lg. group	statistical, also intro of conference
6:00- 7:00 pm	Poolside	Reception	Pat Alperti Pat Torky		cocktails and hors d'oeuvres
7:00- 9:00 pm	Veranda	Dinner & Speaker	Chris McE.	lg. group	
9:00-10:00 pm	Quissett & Porch	Hospitality	Pat Alperti Pat Torky		
<u>MONDAY, JULY 23</u>					
7:00- 8:30 am	Veranda	Buffet Breakfast	Pat Alperti Pat Torky		
8:30-10:00 am	Sippewissett Room	Techniques of Complaint Resolution	McEachern Maselko Rowe	sm. groups	one's worst problem one's best technique
10:00-10:30 am	Porch	Break	Pat Alperti Pat Torky		
10:30-12:00 noon	Sippewissett Room	Recent Developments in Employment at Will	H. Smith	lg. group	EEO, peer represen- tation, 3rd party
12:00- 2:30 pm	Lawn & Pool	Buffet Lunch & Relax/Swim	Pat Alperti Pat Torky		
2:30- 3:30 pm	Sippewissett Room	Reporting Structures: Where & How Do We Fit In? -Exception 1 -Exception 2	M. Maselko or C. McE. -Cleeve Jones -Mary Rowe	lg. group	
3:30- 4:00 pm	Porch	Break	Pat Alperti Pat Torky		

AGENDA (cont'd)

<u>DATE & TIME</u>	<u>ROOM</u>	<u>TOPIC</u>	<u>PERSON RESPONSIBLE</u>	<u>FORMAT</u>	<u>PROCEDURE</u>
<u>MONDAY, JULY 23 (cont'd)</u>					
4:00- 6:00 pm	Sippewissett Room	Confidentiality Record Keeping Privacy	J. Simon	lg. group	handouts
6:00- 9:00 pm	Poolside	Cocktails & Clambake	P. Alperti P. Torky		
9:00-10:00 pm	Quissett & Porch	Hospitality	P. Alperti P. Torky		
<u>TUESDAY, JULY 24</u>					
7:00- 8:30 am	Veranda	Buffet Breakfast	P. Alperti P. Torky		
8:30-10:00 am	Sippewissett Room	Information to Management Upward Feedback Ombuds. as Internal Consultant	M. Maselko C. McEachern	sm. groups	
10:00-10:30 am	Porch	Break	P. Alperti P. Torky		
10:30-12:00 noon	Sippewissett Room	What's Next? Subcommittee for Ombuds. Assoc. (draft charter) Questions for Next Conf.			
12:00-1:00 pm	Veranda	Lunch & Cont'd Discussion			

TOPICS FOR 1985 CONFERENCE:

- o 1. Growth of the concept and career pathing.
- o 1. The ombudsman as counselor/appropriate or not?
- o 1. Let's wait until we're closer to the conference date.
- o 1. Dispute resolution.
2. How does one get at the "truth"
3. Cost effectiveness.
- o 1. How to determine need for ombudsman.
2. How to introduce concept/position to employees.
3. Assessing its effectiveness.
- o 1. What is happening to the traditional personnel department?
2. How can we communicate better with in-house management?
3. Legal issues and trends are always important.
- o 1. *Why companies organize as they do to deal with emp. holistical*
Comments: Perhaps we could highlight one or two company's ombudsman functions or department at each future meeting.
- o 1. Selling the system to employees, manager, Human Resource professionals.
- o 1. Internal Marketing of the Ombudsperson Role
2. Techniques of Conflict Resolution
3. Organization Dynamics and the Ombudsperson
- o 1. Techniques of Conflict Resolution -- Ways that Work
- o 1. Accountability of Managers for Their Handling of People
2. Reducing Stress and Tension in the Work Place
3. Performance Evaluation and Career Development - Any Position Experience Anywhere?
- o 1. Confidentiality and "the law"
2. Subpoena Power of the Courts
3. The issue of "Authority" to effect change as opposed to "figure head" symbol.
- o Comments: Currently have no burning issues - anything could be beneficial.
- o 1. How to gain top management support for a position.
2. What skills are most useful.
3. Career development - where can you go from here.
- o 1. Confidentiality and Recordkeeping.

WORK SHOP TOPICS

- o 1. How to determine how one separates oneself from the case/situation to allow freedom from guilt, personal responsibility, etc.
- o 1. Let's wait until we're closer to the conference date.
- o 1. Understanding role.
2. Cost effectiveness.
3. Dispute resolution methods.
- o 1. Handling stubborn middle managers.
- o 1. Working with long service employees.
2. Dealing with changes in job requirements, bosses or technology.
3. Working with managers that avoid confrontation.
- o 1. How to handle harassment problems.
2. How to handle forced placements.
3. Whistle blowing - how to handle.
- o 1. Span of control issue of corporate ombudsman.
- o 1. Organizational conflict as opposed to individual problems.
- o 1. Confidentiality and recordkeeping.

*EAP
Legal issues & trends
Union - avoidance*

CORPORATE OMBUDSMAN CONFERENCE - JULY 22, 1984

Dear Colleague:

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The case examples attached are to provoke discussion during the conference. We also want to ask you on Tuesday whether you think it would be worthwhile to compile a notebook of Case Studies for Ombuds Practitioners. Would you want to contribute a case? (Your case could be a success or catastrophe, signed or anonymous, sobering or hilarious so long as it would be useful to others.)

THE GREAT SAVINGS BOND BATTLE

"This company won't let me buy Savings Bonds! If you don't fire that payroll manager I'll write a letter to the City Gazette about the lack of patriotism here. This is why this country is taking a back seat to Japan. My husband fought in WWII and by God I'll buy Savings Bonds if I want to!"

The fiery old lady bursts into your office. This isn't a good time for an interruption. In fifteen minutes you are due to appear before the Employee Handbook Revision Committee. This is their fourth meeting to consider a rewrite of the flexible hours policy. You are the last person invited in to talk with the Committee. (They had not originally invited you, but rectified their oversight due to your exceptionally astute remarks to the Committee Chairman.) But your fiery visitor regains your attention..... "You let me buy Savings Bonds or I'll make sure you regret ever having met me!"

Yes indeed.

You call the payroll manager--(not with the lady's permission exactly, more at her fierce demand). "Is there some reason why Josephine Trueblood isn't being permitted to buy Savings Bonds?"

The telephone hurts your ear. "If that woman comes back to this office, I will quit. She refuses to abide by Government regulations and her shouting upset only about fifty of my people. Get rid of her. She's completely crazy."

"Josephine Trueblood, is it true that you have somehow refused to comply with some Government regulations?" you ask, completely baffled, looking at this near-retirement woman.

Trueblood roars at you, "I wouldn't sign that form, if you....." She catches her breath. "And neither should any other woman in the country. I'm going to go back to that sexist pig and let him have it!"

Quickly you call back the payroll manager. "Could you let me know how Trueblood is refusing to comply with Government regulations?" The manager explains to you angrily that to buy Savings Bonds you must sign your name and indicate "Mr., Miss, or Mrs." Josephine Trueblood has insisted on "Ms." or nothing and said she would take him to court for sex discrimination. He knows his regulations and he isn't going to let another militant libber do the country any more damage. "If the company hadn't started hiring women this kind of problem would never have happened. For God's sake get rid of her and let an honest man get some work done. Fire her. She's disrupting the whole department!"

Over the phone line, you can tell, before the line goes dead, that Trueblood has indeed returned to disrupt the payroll department. Quickly, you decide to.....

CASE STUDY

Pat Sharp comes into your office to discuss her career. She has been interviewed and accepted for a promotion into another area. Then she learned that her management blocked it because the salary increase was too large. Pat is very interested in her career development. She feels this is an excellent opportunity for her to grow within this company. She's unhappy about the way her management is dealing with the situation and really wants the new job. You end this session with her asking you as Ombudsperson to investigate this further.

You begin to pursue this issue by meeting with her immediate supervisor (Imin Power). Imin states that he supports Pat and her career development. He thinks she is an excellent worker and has included her on the promotable list. However, he feels that such a large salary jump is not warranted and might even hurt her in the long run. It would also cause unnecessary morale problems for others in the organization who would discover her new salary.

The following day, you get a note from Pat in the mail asking to stop all activities on this issue. The note indicates that her boss said she was going to get them all in trouble by going to the Ombudsperson.

How would you proceed?

Case Study:

The Facility Trio

I recently visited one of our facilities, which is located outside of Los Angeles, California. It is a totally non-union plant which employs about 40 hourly workers and approximately 15 supervisory personnel. While I was in the plant I had occasion to meet with all of the hourly employees. During this session, which lasted approximately three hours, (although it was intended to be a 30 minute meeting), I was deluged with comments and examples of three supervisors' poor management techniques. This trio of supervisors were not in the same department and had not come into the organization in the same way. In fact, two were male and one was female, so I cannot even say the employees were biased. The two males had grown up within the system and had been promoted from hourly to salaried. The female, however, was in charge of a highly technical area and had been hired in from the outside. The problems as outlined by the employees concerning these three individuals were the same for all of them. In other words, regardless of responsibility, training, or sex, these three supervisors displayed the same types of management skills that were causing major problems in the organization. Those problems were lack of clear direction, inconsistent policy

application and discourteous manners toward the hourly employees. What do we do next?

CASE STUDY

Everybody Admits Their Wrong, But What Do We Do?

This case involves a secretary by the name of April, a manager by the name of John and another manager by the name of Mark. What occurred is not too unusual; however, the creativity to solve the situation had everyone stumped. Here is the scenario.

One day April asked for an appointment to see us. April has been with the company for approximately 15 years, broken up into three different employment segments. She is an older lady, quite pleasant, fits in extremely well with her co-workers. So what was the problem? Basically her manager, John, called her in one day, said that there was approximately 90 days for her to straighten up her act or she was out. Not being totally clear as to what had happened, (which was something similar to a thunderbolt striking her out from the middle of nowhere), she wanted to know what was going on. As she outlined the situation to us it became very clear that she saw herself as an average performer; however, she had been in the department for two years and had received very little feedback, training or other help. In fact, she felt that she was the proverbial dumping ground for any problems or situations that went wrong.

To understand the situation in total, let me offer one more piece of background information. Prior to moving into that job, April had been with the corporation; however, she had been in another department and was promoted to this job. At the time of promotion she was the only candidate and it might have been construed that the manager had been forced to take her. To some

degree this happened, primarily because he had no reason not to take her.

We sat down with April's supervisor, John, and his supervisor, Mark, to discuss the situation. The reason we included the second level of management is because, John had requested it and because this department had been newly assigned to the manager, Mark. Therefore, they felt that it would be essential to bring everybody up to speed at the same time. When we sat down, we outlined the situation from April's point of view. They in turn outlined the situation from their point of view. What everything boils down to was that we had a worker who was not happy in her job and had been unsuccessful in getting another job (April is seen as an acceptable employee, though not a superstar). On the other hand, we had two managers who stated they felt they had been "put upon" to take April admit they had not given her the proper training nor. In these situations, (as luck has it), they also went on to another statement that the job April had needed to be re-evaluated and re-aligned within the department to become more of an accounting/auditing function, rather than the secretarial/clerical function.

As the situation unfolded, needless to say, it became rather complicated. The question is, what would you do in a situation like this? We have an older, average performing employee, who had been with us (in fact, had even been named the company's "queen"). Also, this employee could receive pension benefits in about six months. We had a manager who admitted he had not trained her as well as he should have yet had a strong need to re-align the job, but did not want to terminate April. Any suggestions?

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OUTLINE OF REMARKS BY JAMES H. SIMON TO CORPORATE OMBUDSMAN CONFERENCE

Falmouth, MA - July 23, 1984

- I. Duty to Warn Since Tarasoff.
 - A. When one employee threatens harm to another.
 - B. The misbehaving supervisor.
- II. Maintaining Confidentiality.
 - A. When the ombudsman breaches confidentiality.
 - B. The ever-present danger of defamation.
- III. Recordkeeping.
 - A. Invasion of privacy issues.
 - B. The employee's right to inspect personnel records.
 - C. The subpoena nemesis.
- IV. Code of Ethics.
 - A. The need for a code.
 - B. The case for a testimonial privilege.
- V. Whistleblower Statutes.
 - A. The New York example: do as I say and not as I do.
 - B. The ombudsman's dilemma.
- VI. Designation as a "Neutral."

SUGGESTIONS FOR 1986

1. More mini lectures on subjects similar to what Mary Rowe did, (i.e. conflict resolution, counseling, etc.)
2. Workshops and an agenda (printed) list of attendees.
3. More time for lectures. Focus on specific subjects (i.e. discipline procedures, sexual harassment, etc.). Formalize agenda. Reduce introduction time.
4. Before attending (perhaps with registration) have participants: (1) show their model (simple flow diagram--few words); (2) their expectation and/or goals relative to the conference; (3) specific concerns they would like to see addressed; and (4) concentrated follow-on segments to legal and ethical consideration. Looseness of flow (timeliness, late start, changed start time), detracted from quality of organization.
5. Preconference material needs to clearly state purpose and supporting agenda. Gathering expectations and issues from participants before conference would provide impetus to preconference material.
6. Introductions could be more efficient in order to ensure high attention and interest level through this activity. The activity itself is extremely important; time is a problem, however. (40 people at 5 min./per person= 3'20"). Maybe a structured format or small group method could help.
7. Research people could use more time. Especially at this conference, I think they were "squeezed in." We've tried to maintain a strong research, data gathering base. Let's show that it's important on the agenda!
8. Agree with previous respondent concerning looseness of conference structure: e.g. start time late and arbitrarily changed, switches in agenda. Ombuds practitioners are also good business people; that needs to be reflected in our conference structure.
9. Last but really first! Great conference. Issues are emerging. Excellent input from all presentors. Lots of participation on timely issues.

10. Check with Human Resource entities on time scheduled for meetings so that we can have one or more areas presented at our meetings based on appropriate time.

11. Have people circulate info on courses; one might get insight of margin between EEO, Union, Human Resources cases and teach us to recognize these borders and functions and how we fit in between them.

12. Consider if conference should be longer.

13. Get out more bibliographies and written materials.

14. Keep to the schedule.

15. Don't over-schedule.

16. Case examples--more of them.

17. Written schedule distributed with announcement.

18. Provide name of attendees on first day.

19. Have smaller group sessions on specific interest issues.

20. List (flip-chart) expectations of members; allow more flexibility in schedule to address these expectations.

21. Tell people format and length for self-introductions in advance. Worthwhile to do introductions, but could have been more concise. Also, have latecomers introduce themselves.

22. Plan for the meeting at least six months in advance and request experts (members) to write conference paper for us at the annual meeting and distribute them in advance of the meeting or make them available at the conference.

23. Skill building workshops.

24. Continued update on legal implications.

25. Consider larger conference/2 conferences year.

26. More free time to meet with folks individually.

27. Discuss specifically how to avoid getting called into court. What if we are called into court--how to resist?

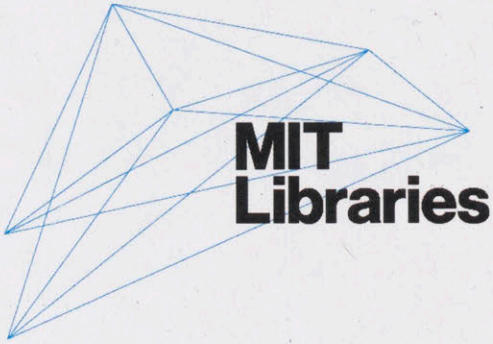
28. More discussion of techniques that work followed by case studies in which we might apply them.

29. Better agenda--published earlier.

30. Avoid later agenda changes. (Don't need 2 hour lunches.)
31. Keep extra name tags handy for latecomers (first day).
32. Three full days--firm agenda distributed prior to meeting.
33. Keep flexible agenda.
34. I.D. speakers on agenda sheet.
35. Stick to time schedule.
36. Discuss personal experiences as ombudsman.
37. No repeat of previous speeches (lawyers).
38. Format great--the informal participation was particularly good, lot of group interaction, information from researcher was really interesting; Lee in particular.
39. Information on facility before meeting; i.e. services available; more research information.
40. Need to spend more time on examining organizational issues. Do we need to have more structured formal org.?
41. Liked the format!
42. Jim Lakus' briefing on the evolutionary Program at Polaroid was extremely interesting. In addition, the research report was one of the highlights of the conference. Based on the interest expressed on these "historical" briefings, I believe that "historical" data based on findings of existing Programs would be valuable.
43. Need to establish a clearing house for use as an information resource for feedback. Have a newsletter.
44. Jim's talk was helpful because Polaroid in news recently and because of their down-sizing program but you can't always predict when news will break. However, if one of our members is in the news around the time of our meeting, I'd like some "background info"... Mary's presentation, esp. letter technique, informative, amusing & helpful.... lawyers presentations redundant. Next time could be helpful to have a panel that answers questions about current specific issues, and covers recent news cases that are landmark... research data helpful... need to grapple with issue of confidentiality and protection... more "technique" workshops helpful and group case work... stay on schedule... great convention center!

45. Stick to agenda; limit introduction times a bit; build attendance, provide resource materials and attendees list; continue showcase presentation of a sample program (e.g. Polaroid) great conference center-transport convenient/nice hospitality. Once again--terrific conference.

46. Generally well-done. Liked the opportunity for discussion. Legal contribution was good. A brief update at each session would be helpful. More discussion about values--using Robbins' statements.



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The remaining contents of this folder have been redacted.

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