

# TABLE OF CONTENTS

5-18 C

## SECTION 1

Purpose of This Workbook .....6

## SECTION 2

Types of Liability .....6

## SECTION 3

Step 1 – Follow the Rules .....8

- A. The Consequences of a District Failing to Follow Its Own Rules .....9
- B. Failure to Follow District Policies and Procedures May Be a Plaintiff’s Main Exhibit in a  
Discrimination Lawsuit .....10
- C. Checklist on How to Avoid Violations of A District’s Policies and Procedures .....10

## SECTION 4

Step 2 – Train and Retrain .....11

## SECTION 5

Step 3 – Establish an Effective Hiring and Employee Retention Process .....13

- A. Have Good Reasons for Your Hiring Decisions .....14
- B. Avoid the Appearance of Favoritism .....15
- C. Retain Your Good Employees by Mentoring and Rewarding .....15

## SECTION 6

Step 4 – Accountability for All .....15

- A. Performance Evaluations Must Be Accurate .....16
- B. The Importance of Documentation and Recordkeeping .....17
- C. Empower Your Human Resources Department .....17

## SECTION 7

Step 5 – Be Honest, Consistent, and Fair .....18

- A. Honesty .....18
- B. Consistency .....18
- C. Fairness .....19

## SECTION 8

Step 6 – Communicate, Communicate, Communicate .....19

- A. Principles of Effective Communication .....20
- B. Dealing with the Public and the Media .....21
- C. Listen to Your Employees .....21
- D. Training and Performance Evaluations Are Other Means of Communication .....21
- E. Communicate Expectations .....21
- F. Communication Requires Feedback .....22
- G. Avoid Stray Remarks .....22

## SECTION 9

Step 7 – Pick Your Battles Wisely .....22

- A. Be Realistic – Management Will Not Prevail in Every Labor Relations Dispute .....23
- B. Think Broadly and Long Term .....23
- C. Successful Labor Negotiations Involve More Than Financial Goals .....23
- D. Realize That Change Is Unsettling and Threatening to Employees .....23

<b>SECTION 10</b>	
Step 8 – Due Process Matters .....	24
<b>SECTION 11</b>	
Step 9 – Investigate before It’s Too Late.....	26
A. Investigations Should Be Conducted Promptly.....	28
B. Districts Must Follow Their Own Rules during Investigations.....	28
C. If Investigations Reveal Violations of Rules or Law, Act Promptly to Remedy the Situation and Prevent Re-Occurrences .....	28
<b>SECTION 12</b>	
Step 10 – Everything Is “Discoverable” .....	29
A. Most Documents Constitute Public Records under the Public Records Act .....	29
B. Careless Statements in E-Mail Are a Plaintiff’s Best Friend.....	30
C. The Brown Act .....	30
<b>SECTION 13</b>	
Step 11 – Litigate to Win! .....	32
A. Help Your Attorney Help You!.....	32
B. All Testimony Should Be Taken Seriously .....	32
C. Checklist for Testifying as a Witness .....	33
<b>SECTION 14</b>	
Step 12 – Don’t Take It Personally.....	34
<b>ENDNOTES</b> .....	36