

Performance and Conduct Management for Laboratory Supervisors

Lesson 2: Roles and Responsibilities in Holding Federal Employees Accountable for Conduct and Performance Issues

Screen 1: (Narrator with accompanying graphics): Lesson Introduction

In Lesson 1, you learned performance issues and misconduct are distinct concepts. Performance issues typically refer to deficiencies in an employee's ability to meet job expectations or performance standards, while misconduct involves behavior that violates agency policies, ethical standards, or legal regulations.

Addressing these issues is not easy. Situations are often gray or layered. They may call for difficult conversations and tailored approaches. Fortunately, you are not alone in dealing with them. Even if the matters you are confronted with have unique circumstances, the overall incident or situation is not likely unprecedented. Relevant offices and your peers will often have experience with the same or similar situations. Use this to your advantage by following the supervisory chain of support for guidance.

To help you with this, this lesson will expand on your responsibilities as a laboratory supervisor managing performance and conduct. It will also discuss the various offices designated to assist you in holding federal and non-federal employees accountable for their performance and their conduct. This will include the role the Office of Human Resources (OHR) plays in such concerns.

We'll begin by getting back into one of our scenarios – Chris's performance issue.

Screen 2: (Scenario #1, fourth segment): Chris's Performance Issues (Errors, Low Quality Work)

Script
<i>Gina: Well, your errors ordering supplies and the lower quality of your reports seem to be an issue of time management. We can work on that.</i>
<i>Chris: What can we do?</i>
<i>Gina: For two weeks, please track your activities and tasks – when you're doing them and how long you're spending on them. Take notes on what's going on in your environment.</i>

Script
<i>Interruptions, for instance, or your physical comfort. Even whether you've eaten or hydrated enough at the time.</i>
<i>Chris: How and with what should I track this? Do you want me to use a particular app or software?</i>
<i>Gina: We may use those later. For now, I'd like to keep it simple. One of my colleagues shared a spreadsheet that can be used for time tracking. We can evaluate your productivity and performance after we look at what's taking place now. I'll send you an email with instructions.</i>
<i>Chris: Sounds good.</i>

Screen 3: (Scenario #1, Question 6): Offices that can assist supervisor with performance management / improvement

Gina is trying to get to the root of Chris's performance problem by asking him to track his activities. If she wants assistance in providing support to an employee with resources and services, which of the following offices can she reach out to? (Select all that apply.)

- A. The Office of Human Resources (OHR)
- B. Employee Relations (ER)
- C. Workforce Relations Office (WRO)
- D. The Office of Laboratory Science and Safety (OLSS)
- E. Centers, Institutes, and Offices (CIO)

Answer Choice	Audio Script (Feedback)
A, B, and C (learner must get only and all three to receive 'Correct' feedback)	Yes, that's correct.
Any answer other than only and all three (A, B, and C) (Incorrect)	The correct choices are A, B, and C.
Explanatory Feedback (played at the end of the	OHR, ER, and WRO support managers in providing clear expectations through measurable standards; providing timely feedback, support and direction; monitoring employee work

correct and incorrect feedback)	and conduct; and providing resources, coaching, and training to improve performance.
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Screen 4: (Scenario #1, fifth segment): Chris's Performance Issues (Errors, Low Quality Work); Laboratory Supervisor consulting with OHR

Script
<i>Gina: Thanks for meeting with me, Kaj. And you too, Gretchen. I've got some activities, tasks, and time-tracking in place to help my employee, but I could still use more guidance.</i>
<i>Gretchen: Of course. We're happy to help.</i>
<i>Kaj: I wish more supervisors would reach out to us. OHR supports employees and managers with anything related to performance improvement.</i>
<i>Gretchen: Did I hear you say you're having the employee track his activities? Using what?</i>
<i>Gina: Well, I've reached out to a colleague about a spreadsheet she created for an employee a few years ago, one who was having a similar problem. I haven't heard back from her yet. As I understand it, it was a great document.</i>
<i>Gretchen: Sounds good. If you don't hear back soon enough, we have some recently acquired software that would be perfect for this. It helps people whether they're starting from a place of performance struggles or from a solid baseline and wanting to improve.</i>
<i>Kaj: I've used it for a few weeks. I'm finding it very helpful.</i>
<i>Gina: I'm glad I spoke with you two. I wouldn't have known about this otherwise. I may try this and offer it to my employee.</i>
<i>Kaj: Great. I'll have Blake or Juanita email you some information.</i>

Screen 5: (Scenario #1, sixth segment): Chris's Performance Issues (Errors, Low Quality Work) ; Laboratory Supervisor consulting with OHR

Script
<i>Time passage of a week or so.</i>

Script
<i><u>Gina</u>: Both Chris and I are using the software you recommended. It's actually similar to Joy's document that I had in mind. Kudos to her for creating something that advanced.</i>
<i><u>Kaj</u>: That's great. I'm not at all surprised Joy is inadvertently doing software development work ahead of her time.</i>
<i><u>Gretchen</u>: Were you able to glean any relevant insights?</i>
<i><u>Gina</u>: Many. I can see Chris's timing of certain tasks is off. He's doing focus tasks like research at times of the day when the laboratory and his personal circumstances are most frenzied and loud. That's got to change so he can focus better. He's also ordering supplies at a time of day when customer support from the vendor isn't sufficient.</i>
<i><u>Gretchen</u>: This kind of thing is common. We need to offer more task scheduling and time management training to our employees. Sounds like Chris will benefit from re-shuffling.</i>
<i><u>Gina</u>: I should also see about getting him out of a mandatory daily meeting he's been attending that has almost no relevance to him. It's unnecessarily eating up a good 90 minutes of his day.</i>
<i><u>Kaj</u>: Your analysis of all this is great.</i>
<i><u>Gina</u>: I know these circumstances may not be the sole reasons for his performance struggles, but it's possible they're playing a big part.</i>
<i><u>Gretchen</u>: You're right. Seemingly little things like this add up to hurt performance. Solutions aren't always dramatic or singular.</i>
<i><u>Kaj</u>: What do you need from us?</i>
<i><u>Gina</u>: Well, I've got some good findings to go on and next steps in mind. But I need to know...what documentation should I have been doing all this time? I've been so preoccupied with solving the problem, I may have dropped the ball on administrative procedures.</i>
<i><u>Kaj</u>: Glad you asked. Even when a performance improvement process is going well, we have to document at every stage. From the moment a problem is identified, that should be documented, even if only in an email sent to OHR.</i>
<i><u>Gretchen</u>: Additionally, every conversation with the employee and attempt to remedy the problem should be documented. It's about progress tracking. This protects you, the employee, and the agency.</i>

Screen 6: (Scenario #1, Question 7): Supervisors' responsibilities dealing with performance issues

The main responsibilities for a supervisor dealing with performance issues are:

- Gather information related to the performance issue
- Document meetings and discussions
- Schedule private follow-up meetings
- Monitor improvement progress

Thus, Gina was right to ask about documentation.

When she documents various stages of her situation with Chris, what type of information should be included? (Select all that apply.)

- A. Date of the meeting or conversation.
- B. A description of the performance issue.
- C. Dates or period of time when the performance issue occurred or has recurred.
- D. Agreed upon actions for improvement, or improvement progress, if applicable.
- E. A list of the employee's current projects and projected future projects.
- F. Names of coworkers the employee prefers to work with.
- G. General notes on what was discussed.
- H. A list of the employee's past performance issues.

Answer Choice	Audio Script (Feedback)
A, B, C, D, and G (learner must get all and only these choices to receive 'Correct' feedback)	You've made the correct choices.
Any answer other than all and only A, B, C, D, and G (Incorrect)	The correct choices are A, B, C, D, and G.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	When documenting meetings and discussions, supervisors should include the date of the meeting or conversation, a description of the performance issue, the dates or period of time when the performance issue occurred or has recurred, agreed upon actions for improvement (or improvement progress), and general notes on what was discussed.

Screen 7: (Narrator with accompanying graphics): Performance Management Appraisal Program (PMAP)

Gina's been diligent in supporting Chris once his performance issues surfaced. Because performance issues can arise for so many different reasons, it's nearly impossible to prevent them occurring from time to time. There are systems in place, however, to try to anticipate them and thus limit their frequency and severity.

A Performance Management Appraisal Program, or PMAP, is a structured and systematic process that aims to determine performance standards, set performance goals that align individual and organizational objectives, evaluate performance, provide feedback, and document employees' performance and contributions. Under a PMAP, each employee has a Performance Plan in place, created jointly by employee and supervisor.

A good performance plan helps laboratory supervisors distinguish between performance issues and conduct problems. This is because a well-written performance plan maps out all performance requirements. Thus, if an employee is doing something wrong or below standards, the performance plan points to the performance area that is being done wrong or below standards. If the issue isn't clearly matched to a performance requirement, it is more likely to be a conduct problem.

Next, let's see how Gina revises Chris's performance plans to help him improve.

Screen 8: (Scenario #1, seventh segment): Chris's Performance Issues (Errors, Low Quality Work); Laboratory Supervisor consulting with OHR

Script
<i>Gina: As I understand it, performance plans for a given employee can be revised. Is that correct?</i>
<i>Gretchen: Yes. Is this about your employee who was struggling?</i>
<i>Gina: He's been improving already, but I feel like some modifications to his performance plan would help even more.</i>
<i>Kaj: Revisions to performance plans are common. If organizational goals change or situations arise, it makes sense to revise them.</i>
<i>Brian: There is a condition, though. The change should be made when there are at least 60 to 120 days left in the appraisal period.</i>

Script
<i>Gretchen: Yes, that way the employee works under the new standards for enough time to be fairly rated.</i>
<i>Gina: That makes sense.</i>
<i>Brian: Keep in mind that you can create new goals, indicate a new evaluation method, or change review dates.</i>
<i>Gina: Yes, I plan to schedule more review dates with my employee. I think it will be helpful.</i>

Screen 9: (Scenario #1, Question 8): Chris's Performance Issues (Errors, Low Quality Work)

Gina is revisiting Chris's performance plan in hopes of helping him overcome his struggles. Performance plans are in place to help individuals and teams successfully achieve desired goals throughout an appraisal period. They are part of a larger PMAP. Which of the following are aims of PMAPs?

- A. Create project schedules
- B. Prevent performance problems
- C. Mitigate performance problems
- D. Determine pay raises
- E. Differentiate misconduct and performance issues
- F. Decide on work teams
- G. Set performance standards
- H. Provide clarity to employees about expectations

Answer Choice	Audio Script (Feedback)
B, C, E, G, and H (Learner must get only and all five to receive 'Correct' feedback)	You've selected the correct answers.

Any answer other than only and all five (B, C, E, G, and H) (Incorrect)	The correct choices are B, C, E, G, and H.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	PMAPs and performance plans help set performance standards, give clarity to employees about expectations, prevent performance problems, mitigate problems that do arise, and help supervisors differentiate between performance issues and misconduct.

Screen 10: (Scenario #1, Question 9): Chris's Performance Issues (Errors, Low Quality Work)

[Button interaction]

Gina plans to revise parts of Chris's performance plan in response to his struggles. She will address performance goals, evaluation method, and review dates. These are key parts of performance plans. Select a button below to hear more about these and other key elements of performance plans.

Button 1: Goal Setting	Define clear and specific performance expectations, objectives, and goals that align with the employee's role and interests and the organization's mission.
Button 2: Performance Measurement	Utilize various methods to assess an employee's performance, such as self-assessments, supervisor evaluations, peer feedback, and key performance indicators (KPIs).
Button 3: Feedback	Provide regular and constructive feedback to employees about their strengths, areas for improvement, and overall performance.
Button 4: Performance Appraisal Meetings	Schedule discussions with employees to review performance, discuss accomplishments, address challenges, and set future goals
Button 5: Development Planning	Collaboratively create individualized development plans that outline strategies for enhancing skills, addressing weaknesses, and achieving career objectives.

Button 6: Recognition and Rewards	Recognize and reward employees for their exceptional performance and contributions, often linked to compensation adjustments, promotions, or other incentives.
Button 7: Documentation	Maintain accurate and comprehensive records of performance evaluations, feedback, development plans, and other relevant information.
Button 8: Performance Improvement	Identify areas where an employee's performance does not meet expectations and implement plans to address those gaps.
Button 9: Alignment with Organizational Goals	Ensure that the employee's performance objectives and development plans are aligned with the broader goals and strategies of the organization.
Button 10: Continuous Process	View performance management appraisal as an ongoing process that occurs throughout the year, rather than a one-time event.

Screen 11: (Scenario #1, Question 10): Chris's Performance Issues (Errors, Low Quality Work)

[Button interaction]

Gina has indicated that her employee's performance is improving. However, there are times when employee performance does not improve even after they are given counseling, support, and time to demonstrate improvement. When this occurs, supervisors may put the employee on a Performance Improvement Plan (PIP). Select a button below to learn more about Performance Improvement Plans.

Button 1: Definition	An intensive plan personalized for an employee who has not demonstrated sufficient improvement after initial interventions have been attempted. The plan may include training, coaching, resources, and modifications.
Button 2: Difference from Performance Plans and PMAPs	Performance Improvement Plans (PIPs) are not the same as Performance Plans. Every employee has a performance plan in place continuously from the beginning of their employment. A performance plan makes clear what is expected of the employee and at what level. Performance plans provide a way for supervisors to evaluate employee performance daily, weekly, and monthly, and more formally in scheduled performance reviews.

	By contrast, a Performance Improvement Plan (PIP) is only in place for employees who have not performed up to standards even after given support to improve. PIPs are a way of holding employees accountable for their performance. In short, Performance Plans within PMAPs are about prevention, whereas PIPs are about remediation.
Button 3: Description of Concerns and Issues	A PIP will describe the problems and issues that have occurred, when they occurred, and any other relevant information about the performance struggles.
Button 4: Goals	An important element of Performance Improvement Plans is goals. The PIP will be very explicit about what performance goals should be reached. Typically, the list will include areas of job performance where the employee has struggled or fallen short. The goals are clear and often relate to agreed-upon performance standards. In some cases, depending on the role in question and its requirements, the goals are quantified. This is not a requirement, however.
Button 5: Collaboration	Typically, an employee and supervisor work together to create a Performance Improvement Plan. This allows the employee to take ownership of their performance. It also instills investment in improvement. Supervisor involvement is crucial, as it demonstrates managerial commitment to the process.
Button 6: Timeline	A Performance Improvement Plan delineates <i>specific</i> and <i>explicitly stated</i> timelines for improvement. The timeline for improvement depends on the nature of the performance problem. Some problems are conducive to an expectation of quick improvement; others may need a longer timeframe for improvement to be reasonably expected. The timeline may include intervals dates of improvement over a longer period, with a goal met at the end, or the timeline may be a single period of time for improvement.
Button 7: Support and Resources	An employee on a Performance Improvement Plan (PIP) should be offered support and resources to help them improve. This could include redistribution of workload, reassignment of tasks, software applications and technology tools, additional training and coaching, materials to fill in knowledge gaps, skill-building assistance, etc.

Button 8: Regular Check-Ins and Feedback	A Performance Improvement Plan should lay out dates when the supervisor and employee will jointly track progress and determine if adjustments are needed. The supervisor should provide informal and formal feedback to the employee so that the employee knows whether corrections are needed.
Button 9: Outcomes and Consequences	At the end of the PIP period, the supervisor assesses whether the employee has demonstrated sufficient improvement and whether it is likely to be sustained. The PIP should make clear what the consequences will be if sufficient improvement is not observed at the interval dates, if applicable, and at the end of PIP period. If performance improvement is deemed insufficient, the supervisor's next step is usually a performance-based action, such as initiating a formal letter written to the employee, authorized by OHR and with an OHR point of contact. If performance improvement is deemed sufficient, the supervisor does not initiate the performance-based action.
Button 10: Legal and Ethical Considerations	PIPs must comply with the law by being based on clear, objective criteria applied consistently across all employees. PIPs must adhere to employment laws and regulations to ensure fairness and prevent potential litigation. A well-executed PIP serves as evidence that an employer took steps to address concerns before taking further performance action. In addition to legal compliance, ethical considerations play a vital role in the implementation of performance improvement plans. It's essential that PIPs are put in place with integrity, transparency, and respect for employee dignity, ensuring that the process is fair and reasonable. Supervisors should work with OHR to ensure performance improvement plans are implemented lawfully, ethically, responsibly, and professionally.
Button 11: Documentation	Documentation of performance improvement plans (PIPs) is essential for tracking progress and ensuring accountability. Detailed records should include specific performance issues, agreed-upon goals, timelines for improvement, and any support provided to the employee. These documents serve as a clear record of expectations communicated to the employee and the steps taken by the employer to facilitate improvement. Proper

	documentation also helps in assessing the effectiveness of the PIP and provides a basis for further actions if improvement is not achieved within the specified timeframe. Moreover, thorough documentation can serve as crucial evidence in case of disputes or legal challenges related to performance management.
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Screen 12: (Scenario #1, eighth segment): Chris's Performance Issues (Errors, Low Quality Work)

Script
<i>Chris: I feel so much better now. I'm managing my parenting duties, volunteer commitments, and the certification courses much more effectively. It took some creative thinking, but those things feel less overwhelming now.</i>
<i>Gina: I'm glad. I think the task scheduling modifications and the reviews we did on your work have helped as well. You improved as soon as we made some adjustments.</i>
<i>Chris: It's good we kept meeting periodically for a while. The minor tweaks and continued feedback kept me going strong.</i>
<i>Gina: We've been through five cycles now, with steady improvement after each one. I think it's safe to say we've reached our goal.</i>
<i>Chris: Our methodical thinking through parts of my workflow and circumstances around it have given me great guidance for success in other ways too. It's fantastic.</i>
<i>Gina: That's the power of working together and strategizing.</i>

Screen 13: (Supervisors discussion): Handling general misconduct and non-compliance misconduct

Script
<i>Pamela: You handled that well, Gina. Very professional and compassionate.</i>
<i>Mauricio: I agree.</i>
<i>Gina: Managing performance issues doesn't have to be unpleasant or awkward.</i>

Script
<i>Kirby: I like how you treated it like a work problem to be figured out and resolved, not something for the employee to be ashamed of and embarrassed about.</i>
<i>Anissa: Exactly. And I think we need to echo that approach with misconduct as well, to the extent that we can.</i>
<i>Mauricio: I feel like I've been able to do that with a situation I've had recently. One of my employees, who's a brilliant laboratory scientist, has been difficult with me and his peers. His communication can be short and rude.</i>
<i>Pamela: I've dealt with those situations as well. In one case, the employee wasn't just communicating unprofessionally, he was also not cooperating with work processes. It wasn't a performance issue, it was behavior – being difficult.</i>
<i>Kirby: Interpersonal conflicts are common. What can supervisors do to prevent them or mitigate their damage?</i>

Screen 14: (Narrator with accompanying graphics): Interpersonal conflicts (misconduct stemming from) and supervisor responsibilities in handling misconduct (general and non-compliance)

The supervisors bring up a common challenge. Interpersonal conflicts at work stem from misunderstandings, power struggles, competition, or conflicting goals. If left unaddressed, they can lead to reduced employee morale, decreased job satisfaction, and increased turnover rates, ultimately affecting the team overall and agency performance.

Fundamental personality and values differences are often at the center. When individuals come together to work as a team, they bring with them different work styles, communication, conflict resolution, decision-making, leadership, time management, resource allocation, and more. Also, some people may have long-ingrained negative biases, attitudes, assumptions, and emotional baggage that cause them to lash out at others or to be unfriendly, uncooperative, and unprofessional.

Kirby asks...what are supervisor responsibilities in handling misconduct related to interpersonal conflicts? We'll look at that next. Know that these practices are not just for general misconduct, like intimidating, defiant, or rude behavior, but any type of misconduct in office or laboratory settings, including non-compliance with protocols and other important regulations.

Screen 15: (Narrator briefly introduces button interaction): Supervisor responsibilities in handling misconduct (general and non-compliance)

Select a button to learn more about what supervisors should do to prevent or mitigate general misconduct or non-compliance misconduct.

Button 1: Open communication	Encourage open communication, active listening, and willingness to compromise. Create a safe space for dialogue, understanding, empathy, collaboration, transparency, and reporting.
Button 2: Provide adequate training	Provide conflict resolution training for all staff and employees. Seek training from OHR on mediating disputes between employees. Provide employees with appropriate and updated training on laboratory policies, processes, and procedures.
Button 3: Emphasize the benefit of personality differences	Remind employees that personality differences can function to strengthen a team, especially when weaknesses and strengths are managed to have an overall positive effect on project goals, organizational morale, and interpersonal dynamics.
Button 4: Model good behavior	Model good behavior. Interact with employees and other supervisors in a professional and courteous way at all times. Follow <i>all</i> safety guidelines, experiment protocols, and legal regulations to set an example for desired actions and behavior.
Button 5: Detect early	Detect early: Be attentive to signs of conflict, misbehavior, or non-compliance, such as tension, decreased collaboration, changes in behavior, or secrecy, and address the issues promptly before they escalate.
Button 6: Identify common goals	Identify common goals: Help employees identify shared goals and objectives to encourage collaboration and highlight mutual interests. Emphasize team objectives and everyone's stake in lawful, ethical, and responsible work completed in the laboratory.

Screen 16: (Knowledge Check #1): OHR role in handling general misconduct related to interpersonal conflicts.

True or **False**: In assisting supervisors with general misconduct, OHR helps mediate disputes between employees that are not work-related.

Answer Choice	Audio Script (Feedback)
True	No. This statement is False.
False (Correct)	Correct. This statement is False.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	OHR does help mediate employee disputes, but only those that are work related.

[Screen 17: \(Narrator with accompanying graphics\): transition back to Scenario #2: Administering Unapproved Virus Doses](#)

With OHR assistance as needed, there is a lot laboratory supervisors can do to try to prevent or mitigate general or non-compliance misconduct. However, situations are not always within a supervisor's control. In Mauricio's case with James, Mauricio did everything he could to emphasize to James the importance of following experiment protocols to a T. James blatantly defied Mauricio's guidance. Let's revisit Mauricio's steps in dealing with the situation.

[Screen 18: \(Scenario #2, fourth segment\): Administering Unapproved Virus Doses](#)

Script
<i>Kirby walks into an office area where Mauricio is making a phone call.</i>
<i><u>Kirby</u>: Hey Mauricio, how's your day?</i>
<i><u>Mauricio</u>: (shifts phone to address Kirby) Contacting IACUC about the incident with my employee. I should...probably be alone. Confidentiality.</i>
<i><u>Kirby</u>: Oh sure. I'll give you a few minutes (walks out of room)</i>
<i>(“on hold” music can be heard while Mauricio waits)</i>
<i>Namoi (IACUC) picks up.</i>

Script
<i>Naomi: Hello, this is Naomi with the Institutional Animal Care and Use Committee. How may I help you?</i>
<i>Mauricio: Good morning. I am a laboratory supervisor at CDC. I need to be connected with someone who receives reports of non-compliance with animal use protocols.</i>
<i>Naomi: Hold please.</i>
<i>A moment later...</i>
<i>Danita: Hello, may I help you?</i>
<i>Mauricio: Hello, I would like to report an incident of non-compliance with animal use protocols.</i>
<i>Danita: When did the incident happen?</i>
<i>Mauricio: It's been occurring over a few weeks, but I just learned of and confirmed it in the past day.</i>
<i>Danita: Good. It's crucial we be notified immediately. Go ahead with your report. I will take down your information and follow up with anything else I need.</i>
<i>After brief time passage (suggesting Mauricio has provided full information to the IACUC representative)</i>
<i>Danita: Thank you for this report, Mauricio. Though you gave me your full name and contact information, you should be aware that anonymous reporting is allowed as well. We also encourage self-reporting. Our document, "Mechanism for Reporting Noncompliance or Misuse of Animals" is posted at all animal facilities. It has directions and contact information.</i>
<i>Mauricio: Thank you. What happens next?</i>
<i>Danita: The IACUC chair will assess this concern and determine if the circumstances merit a full investigation. The initial appraisal may involve an attending or clinical veterinarian.</i>
<i>Mauricio: How long does this appraisal take?</i>
<i>Danita: It can be a few business days. After the chair decides the best course of action based on the information you provided, there could be a dismissal of the allegation, referral to another office, immediate corrective and preventive action, another review at a convened IACUC meeting, or further investigation. We will be in touch.</i>
<i>Mauricio: Wait - what should I say to my employee?</i>
<i>Danita: At this point in the process, you should not take any further action with the employee, not a conversation or any administrative actions about the matter.</i>

Screen 19: (Scenario #2, Question 5): Administering Unapproved Virus Doses

After Mauricio reports the incident of unapproved virus doses to IACUC, he reports it to ACUPO as well, receiving information about a similar process. Both entities emphasize to him the importance of not speaking any further with the employee until after they've appraised the situation and determined if an investigation is in order. Who should Mauricio speak to next? (Select all that apply.)

- A. His supervisor
- B. Other laboratory employees
- C. OHR
- D. CIO Associate Director of Laboratory Science (ADLS)
- E. The Office of Laboratory Science and Safety (OLSS)

Answer Choice	Audio Script (Feedback)
A (The learner must choose only A to receive "Correct" Feedback)	That's right.
Any answer other than only A (Incorrect)	The correct choice is A.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	After reporting the incident to IACUC and ACUPO, the laboratory supervisor should speak with their own supervisor about the matter. This is not to take action or investigate, but to keep the supervisor informed about the incident and notify them that it has been reported to IACUC and ACUPO. Other offices do not need to be involved at this point.

Screen 20: (Scenario #2, Question 6): Administering Unapproved Virus Doses

The previous question referenced the CIO Associate Director for Laboratory Science (ADLS). This office is not involved in non-compliance misconduct while IACUC and ACUPO are appraising a situation and determining whether a full investigation is needed. What is its general role in assisting laboratory supervisors who are managing non-compliance misconduct? (Select all that apply.)

- A. Coordinates and provides oversight with laboratory supervisors, branch chiefs, and division directors to ensure reporting of incidents to OLSS and CIO leadership.
- B. Provides guidance and suggests remediation or follow up, as appropriate, related to incidents involving major and minor infractions.
- C. Ensures that all regulated and accredited laboratories under their management are operating within compliance
- D. Supports scientific review and clearance; liaises with the Office of Science

Answer Choice	Audio Script (Feedback)
A, B, C, and D (Learner must get all four to receive 'Correct' feedback)	Yes.
Any answer other than all four (A, B, C, and D) (Incorrect)	All four choices are correct.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	These are all important ways that CIO Associate Director for Laboratory Science supports laboratory supervisors in managing non-compliance misconduct.

Screen 21: (Scenario #3, fourth segment): Safety Violation

Script
<i>Kirby walks into an office where Anissa sits at a desk.</i>
<i>Kirby: Hi Anissa, how's it going?</i>
<i>Anissa: I'm a little preoccupied...about to make some calls or send some emails about a non-compliance matter.</i>
<i>Kirby: (chuckles) I keep walking in on laboratory supervisors about to report non-compliance incidents.</i>
<i>Anissa: That shows how common they can be.</i>

Script
<i><u>Kirby</u>: To be fair, a good many non-compliance incidents are unintentional. They have to be reported either way, but at least there's that.</i>
<i><u>Anissa</u>: The one I'm dealing with is a safety violation. A laboratory employee is propping doors open, despite specifications on the study to keep them closed, and not wearing proper PPE. It's intentional.</i>
<i><u>Kirby</u>: Ah yes, this is the one you told us about. Intentional but maybe not malicious or hostile.</i>
<i><u>Anissa</u>: That's right. It's intentional but I don't think she's trying to make anyone mad or be purposefully difficult. It's more like...she's placing her own comfort and preferences above the required protocols and the integrity of the experiment, and she rationalizes it's okay to do so.</i>
<i><u>Kirby</u>: Well, it has to be reported. You can't protect her just because she's not acting with utmost hostility and malice. Once it's established that a violation has occurred, the proper level of action will be taken, a level that considers all relevant circumstances. I'll step out so you can make that call.</i>

Screen 22: (Scenario #3, Question 4): Safety Violation

[Button Interaction]

Aside from speaking to her own supervisor and OHR about this matter, Anissa will want to contact the Office of Laboratory Science and Safety (OLSS). Select a button to learn more about how OLSS supports supervisors in managing misconduct related to safety violations.

Button 1: Educational Resources	OLSS provides educational resources to laboratory supervisors, including a core curriculum for key laboratory competencies (e.g. Introduction to Laboratory Safety, Safe Use of Biological Safety Cabinets). OLSS also monitors training.
Button 2: Safety Inspections	OLSS oversees biological, chemical, and radiation safety at CDC laboratories. The OLSS safety inspectors visit CDC laboratories annually to ensure that their practices, procedures, and equipment meet key safety standards. The OLSS oversight includes ensuring that CDC laboratories are in full compliance with the requirements of the Federal Select Agent Program (FSAP), which regulates the possession, use, and transfer of biological select agents and toxins.

Button 3: Investigation	OLSS performs investigations related to safety violations. Designated OLSS personnel trained in incident analysis and safety protocols gather relevant information, such as witness statements and documentation of the event, to determine the root cause of the violation. OLSS uses findings to implement corrective measures, reinforce safety training, and prevent similar incidents in the future.
Button 4: Documentation	OLSS documents non-compliance incidents related to safety. This is crucial for transparency and accountability. OLSS keeps detailed records about the nature of the incident, its root causes, and any corrective actions taken.
Button 5: Coordination and consultation with other offices	OLSS consults and coordinates with the laboratory supervisor, OHR, and other relevant offices to determine if disciplinary action is needed, and if so, what action is appropriate. It also suggests remediation and follow-up, as needed, related to prevention of future incidents.

Screen 23: (Narrator with accompanying graphics): General Misconduct Accountability

We've covered some supervisor responsibilities and relevant offices' roles when dealing with general and non-compliance misconduct. Now let's talk about how employees are held accountable. What should a supervisor do to implement consequences for the employee?

First, be aware that disciplinary actions are categorized as formal or informal. Informal actions may be oral or written. They may be as simple as a spoken or email reminder to come back from lunch on time or stop a certain behavior or act. You may tell the employee that if the behavior or act happens again, the consequence will be formal discipline. Note that even informal actions should be documented. Informal actions do not, however, go in an employee's permanent record.

Formal discipline includes actions that have three basic requirements. 1) They must be in writing, 2) They must be a matter of formal record, and 3) They can be appealed or grieved to a higher third party. You should consult your servicing employee relations specialist before initiating any formal disciplinary action.

Formal actions could include a letter of reprimand, a demotion, suspension, administrative leave, or removal.

Note that as a laboratory supervisor, you may also work with employees who are not categorized as federal employees. For instance, students, fellows, guest researchers, USPHS officers, or contract employees. Managing the performance and conduct of these employees is distinct. Information available in the Resources area for this course are available to help you navigate situations with non-federal employees.

Screen 24: (Supervisors discussion): Douglas Factors

Script
<i>Kirby: I might be the only one not currently dealing with an employee's performance issue or misconduct.</i>
<i>Gina: Oh, that will change. It's just a matter of time.</i>
<i>Kirby: I do often think about how we implement discipline. Are we being fair? Is the system excessively harsh and severe?</i>
<i>Pamela: I don't think so. And it's not thoughtless either. That is, we don't take a "one size fits all" approach or have unwavering consequences.</i>
<i>Anissa: We've all heard of Douglas Factors, right?</i>
<i>Mauricio: Yes. They're based on a well-known court case. They're factors that supervisors have to consider to help determine appropriate penalties for misconduct.</i>
<i>Anissa: Right. The factors prevent applying discipline thoughtlessly and inappropriately, because you're considering the detailed nuances of situations. You're using your supervisory judgment as a professional and reasonable person, not just handing out irrational punishments.</i>

Screen 25: (Knowledge Check #2): Douglas Factors

Drop-down interaction:

For each item listed below, use the drop-down menu and select "Yes" if it is a Douglas Factor and "No" if it is not.

- Nature and seriousness of the offense (Yes)
- How long the employee has worked under their supervisor (No)
- Employee's job level and employment type (Yes)
- What time of year the employee's service with the agency began (No)
- Employee's past disciplinary record (Yes)
- Notoriety of the offense or its impact on the agency's reputation (Yes)
- Whether the employee works on-site or remotely (No)

- If the employee has the highest level of security clearance or not (No)
- Mitigating circumstances, such as provocation from others (Yes)

Answer Choice	Audio Script (Feedback)
All Answers Correct	You answered everything correctly. You have a good handle on the Douglas Factors. A resource with the full list of factors is provided in the Resources tab.
One or more answers incorrect.	You have missed one or more of the Douglas Factors presented here. Compare what you identified to what is now shown on the screen. A resource with the full list of factors is provided in the Resources tab.

Screen 26: (Supervisors discussion): Progressive Discipline

Script
<i>Anissa: Kirby, it's good you're concerned with fairness to employees.</i>
<i>Gina: Absolutely. That's a sign you have the right attitude.</i>
<i>Mauricio: Of course, we don't want misconduct to occur. But when it does, we still have to treat employees with dignity and give them a chance to correct their behavior or work habits.</i>
<i>Pamela: Progressive discipline is a big part of that. It 'corrects' in a fair and structured manner.</i>
<i>Kirby: Right. It's about not being quick to punish. When things are good, we set our employees up to succeed. When misconduct has occurred, we set them up to change.</i>
<i>Mauricio: Discipline is 'progressive' in that we don't immediately jump to the most severe punishment for the offense in question. Instead, when a violation or misstep has first occurred and is not yet serious, a lower-level consequence is implemented. Disciplinary action escalates slowly in response to repeated or ongoing problems.</i>
<i>Gina: Ideally, higher, more serious steps are never necessary.</i>
<i>Kirby: Progressive discipline means reacting appropriately for the stage and severity of the misconduct.</i>

Script
<i>Pamela: It gives us all a chance to work together to address problems but preserve morale and positive relationships.</i>

Screen 27 (Knowledge Check #3): Progressive Discipline

Which is a common order for progressive discipline?

- A) Termination, informal counseling, written warning, verbal warning, suspension
- B) Suspension, termination, verbal warning, informal counseling, written warning
- C) Written warning, termination, verbal warning, suspension, informal counseling
- D) Informal counseling, verbal warning, written warning, suspension, termination

Answer Choice	Audio Script (Feedback)
A, B, or C (Incorrect Answer)	The correct answer is D.
D (Correct)	Correct.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	A common order for progressive discipline is informal counseling, verbal warning, written warning, suspension, then termination.

Screen 28: (Supervisors discussion): Supervisor roles in research misconduct cases

Script
<i>Kirby: Douglas Factors and progressive discipline are both good practices.</i>
<i>Gina: I agree. I'm pleased they're emphasized.</i>

<i><u>Anissa:</u> Do Douglas Factors and progressive discipline apply to research misconduct too?</i>
<i><u>Mauricio:</u> Well, research misconduct is a whole different animal. Douglas Factors and progressive discipline don't apply. However, with research misconduct cases, there is just as much mindfulness of fairness, confidentiality, and dignity for the employee.</i>
<i><u>Gina:</u> Yes, there's just a different approach and process.</i>
<i><u>Kirby:</u> I've often wondered what our role is in research misconduct. It's fortunate, in a way, that I've not had experience with it.</i>
<i><u>Pamela:</u> As supervisors, we have an important role in cases of research misconduct.</i>
<i><u>Gina:</u> Proper documentation of research team activities is key. Having thorough and accurate documentation helps demonstrate the integrity of the research process. It can then also help in addressing misconduct allegations.</i>
<i><u>Anissa:</u> We must be attentive to our research team's inputs and outputs. I'm always on alert for unusual or inconsistent data, unexplained gaps in research behavior, or suspicious behavior.</i>
<i><u>Mauricio:</u> If we suspect something, we must take immediate action. If we're aware of misconduct on our team and fail to report it, there might be professional and institutional consequences for us too.</i>
<i><u>Pamela:</u> Yes. Reporting is my next step with a situation I'm currently dealing with. An epidemiologist and I suspect research misconduct...</i>

Screen 29: (Scenario #4, third segment): Research Misconduct

Script
<i>Pamela approaches an office door that says Office of Science. She goes through it toward another office door that says Research Integrity Officers.</i>
<i>Moments later, she is seated at a desk. Sanjay and Madeline, Research Integrity Officers, are seated on the other side of the desk.</i>
<i><u>Pamela:</u> Thanks for meeting with me, Sanjay and Madeline. I understand supervisors can speak to you as sounding boards for potential areas of concern about research misconduct.</i>
<i><u>Sanjay:</u> Absolutely. The Office of Science is the authority at CDC on matters of scientific integrity. We assess concerns and investigate cases.</i>
<i><u>Pamela:</u> (after a pause): So, my employee will be "investigated"? Oh no, I don't want...I mean, I don't know...I can't be sure...</i>

Script
<i><u>Madeline:</u> You seem uncomfortable – and worried. Don’t be alarmed by the word ‘investigate’. That’s only a possibility. Not all situations warrant a full investigation. We have to take in and evaluate information first.</i>
<i><u>Pamela:</u> I’m a bit uncomfortable with this. This is an employee I value greatly.</i>
<i><u>Madeline:</u> First of all, kudos to you for coming in. If you decided to come see us, that means you were doing your job and being attentive to practices that might be research misconduct red flags.</i>
<i><u>Sanjay:</u> Yes, I wish supervisors were more observant about what’s going on in their laboratory workspaces and administrative offices. Not everything can be nipped in the bud, but some things can.</i>
<i><u>Pamela:</u> I don’t want to cause trouble for this employee unnecessarily.</i>
<i><u>Madeline:</u> Well, you do know you’re allowed to speak hypothetically, right? You don’t have to name anybody right now. And please know that we take confidentiality seriously, regardless.</i>
<i><u>Pamela (reluctant but continues):</u> Okay. So... let’s say, hypothetically, I had an employee, a laboratory scientist, whose recent results on some vaccine studies suddenly became positive; vaccines were 100% safe and efficacious. Previously, findings were mixed. This is someone who, normally, wouldn’t have a reason to fabricate data. But I know this person has a lot going on in their personal life, is worried about her position within the team at the laboratory, and who has been having trouble getting all their work done on time, so these results seemed too good to be true.</i>
<i><u>Sanjay:</u> Understood. How did this come to your attention?</i>
<i><u>Pamela:</u> Well, I don’t know anything for sure. But...an epidemiologist noticed a concerning trend that doesn’t match previous findings. We did some analysis and couldn’t explain the numbers.</i>
<i><u>Madeline:</u> Alright. That gives us something to go on. We can definitely help you with some next steps.</i>
<i><u>Sanjay:</u> Yes. And if you want to make an official report, that should be in writing.</i>
<i><u>Madeline:</u> Rest assured, Pamela, we work hard to be objective – to protect the integrity of CDC science and the reputation of the suspected employee. We don’t want to do unnecessary damage to either.</i>

Screen 30: (Scenario #4, Question 3): Research Misconduct

Matching Interaction

Pamela's fellow laboratory supervisors and the Research Integrity Officers she speaks to both mention a supervisory responsibility to be attentive to red flags of research misconduct. Red flags are categorized as related to Time, Results, or Transparency. Match the concern with the type of red flag.

- Usable data are only generated when there is a pressing deadline (Time)
- Findings can't be replicated by others in the laboratory (Results)
- Experiments are completed faster than usual (Time)
- Raw data can't be produced when requested (Transparency)
- Research materials and protocols are kept hidden (Transparency)
- Data are too good to be true (Results)
- Work is mostly done when no one else is around (Transparency)

Answer Choice	Audio Script (Feedback)
Any submission	Research misconduct red flags and their categorization are as follows: Time: a) Usable data are only generated when there is a pressing deadline b) Experiments are completed faster than usual Results a) Data are too good to be true b) Findings can't be replicated by others in the laboratory Lack of Transparency: a) Raw data can't be produced when requested b) Research. Materials and protocols are kept hidden c) Work is mostly done when no one else is around.

Screen 31: (Scenario #4, Question 4): Research Misconduct

Drop-down interaction

When supervisors make an allegation of research misconduct, specific information must be included. Use the drop-down menu to choose “yes” or “no” to indicate if the information listed is needed or not when reporting.

- A description of the research misconduct concern (Yes)
- How many years you (the supervisor) have worked for CDC (No)
- A description of the research records, research process, presentations, or publications you believe have been affected (Yes)
- Names of individuals you believe have committed the alleged misconduct (Yes)
- Names of witnesses and, if known, their CDC affiliations and contact information (Yes)
- Performance plan details of the newest employee on your team (No)
- Supporting documents and other information you believe is relevant (Yes)

Answer Choice	Audio Script (Feedback)
Any answer submission	When reporting allegations of research misconduct, the following information should be included: - A description of your concern, including what research you believe has been falsified, fabricated, or plagiarized, and how. - A description of the research records, research process, presentations, or publications you believe are affected, including any relevant details, such as dates, times, locations, and citations. - Names of individuals you believe may have committed the alleged misconduct. - Names of witnesses, and if known, their CDC affiliations and contact information. - Supporting documents and other information you believe is relevant.

Screen 32: (Scenario #4, Question 5): Research Misconduct

True or **False**: After Pamela reports her suspicions about Gladys to CDC's Research Integrity Officers, she will be required to ensure that the allegation is thoroughly and completely investigated to resolution.

Answer Choice	Audio Script (Feedback)
True (Incorrect)	This is actually false.
False (Correct)	Correct.
Explanatory Feedback (played at the end of the correct and incorrect feedback)	Once a supervisor has reported their suspicion to a Research Integrity Officer (RIO) in the Office of Science (OS) or to the Office of Research Integrity (ORI), the supervisor does not take any action other than what OS or ORI directly asks of them. Investigators could ask supervisors to provide relevant information or assist in gathering evidence. Supervisors must maintain confidentiality as required. OHR is likewise not involved unless the RIO in OS or ORI asks for their assistance. It is the job of the RIO in OS or ORI to receive an allegation, collect documentation, evaluate and assess the circumstances, and determine if a full investigation is needed or if the matter should be referred elsewhere.

Screen 33: (Narrator with accompanying graphics): Lesson Conclusion & Next-Lesson Preview

We've come to the end of this lesson. We've covered a lot, including how supervisors support employees with performance problems and how implementation or revision of performance plans and performance improvement plans relate to handling performance problems. We've also looked at how OHR supports supervisors in these efforts.

Additionally, since laboratory supervisors are often confronted with general misconduct and non-compliance misconduct, you learned about various supervisor responsibilities therein. You've likewise learned about the roles that certain offices, such as IACUC, ACUPO, and OLSS, play in assisting supervisors dealing with safety violations and animal misuse within research experiments. The agency and laboratory supervisors follow important accountability guidelines: Douglas Factors and progressive discipline.

Finally, you learned more about supervisor responsibilities in situations of suspected research misconduct. You're aware of the importance of early detection, reporting procedures, and confidentiality. You also know which offices to speak to – namely, the RIO in the OS, and ORI – and when.

In the next lesson, we'll focus on misconduct investigations, specifically. You'll learn more about your supervisory responsibilities beyond identifying that there is a problem. You'll also learn about the role of OHR in investigating general misconduct; the role of IACUC, ACUPO, and OLSS, in investigating non-compliance misconduct; and the role of the RIO in the OS, and ORI in investigating research misconduct.