

Prototype Scenario Script
Performance Issue vs. Misconduct
Misuse of Government Laptop

Background & Context

Speaker	Script
Raymond 	<i>Hello. I'm Raymond Limon, Director of Independent and Assisted Living for a federal satellite, Resource Center for Disabled Citizens (RCDC), in Austin, Texas, where I've lived my whole life. I've been with RCDC for just over 18 years. My work has been significant because I grew up with a younger sister with severe visual impairment and a younger brother with minimal mobility due to a car accident as a child. I hated seeing them struggle while everything was so easy and natural for me. It made sense that I was compelled in my high school years to get into service work for people with disabilities, mainly skills and resources for independent living while maintaining community and connection.</i> <i>Before I was at a director level, I was an assistant director; before that, a field specialist for public outreach; and before that, a coordinator for K to 12 initiatives. As a director and assistant director, I've had people working under me. Managing people has been one of my job's most rewarding but difficult parts. As a coordinator and field specialist, I only had to worry about being competent at my work and autonomously doing small but vital parts of big projects. Now, on top of overseeing those projects and answering to multiple affiliates and stakeholders, I also have to ensure the satisfaction, development, and success of people who work under me. Currently, that's about twelve people. I want to do right by them just as I have always tried to do right by my siblings and others who needed me to help them minimize the negative effects of their disadvantages and maximize the potential of their gifts.</i> <i>The person over me is Alexis Campbell, a director in the Dept. of Justice who oversees disability rights and enforcement of the ADA. She's located in Washington, D.C., but comes to Austin frequently to help us get projects off the ground. She's been happy with my directorial work but says one area I could improve on is appraising the work of those who report to me—particularly, distinguishing between performance and misconduct. Since there is a recommended approach and course of action for each situation, knowing the difference is vital.</i>

Miranda 	<i>Hello, I'm Miranda. I'm the Director of Performance Appraisals at RCDC. I work with department leads, program managers, and team directors to complete annual performance appraisals, including reports of misconduct and subsequent corrective action, as well as coaching, training, and skill-building for staff who need or want to improve their work.</i> <i>Several HR staff members work under me; each is assigned 5 to 6 managers to administratively coordinate and support. I make a point of always having a caseload of about 5 to 6 managers myself so that I stay in touch with what my people are going through.</i> <i>Because I have so much on my plate, I make sure at least half of my cases are with managers who have a lot of experience or are otherwise self-sufficient and don't need much assistance. However, because I also don't want my staff to be stressed with especially challenging situations, the other half is comprised of managers who need the most guidance.</i> <i>Raymond is one of the directors on my caseload because while he is excellent as a director of assisted and independent living, he's never been adept at performance appraisals. He tends to let emotions and instincts guide his words and decision-making, and I often have to clarify definitions and concepts for him. He's also very busy, so he doesn't always take the time to probe about a situation. Instead, he'll gather surface-level information, create plausible but not necessarily accurate connections, and run with sometimes unfounded conclusions.</i> <i>Over the years, his boss, Alexis, and I have tried to impress upon him the importance of distinguishing between performance issues and misconduct because each is handled very differently. Treating one like it is the other could upset and alienate staff directly affected and waste time and resources of staff indirectly affected.</i>
	Learner is launched to story 1 (of 3) in the overall scenario

Story 1: Raymond, Jose, Miranda



Scene Description/ Speaker	Script
Jose 	<i>I'm Jose. I work under Raymond as a lead coordinator on the Tech Re-Use grant, a 2-year project that may get extended. We help people with disabilities, especially in rural areas, get free or reduced-cost refurbished tech devices pre-loaded with apps, links, and software. They feature products and services that enhance ease, convenience, and quality of living. I live in Austin too, but we all work remotely. Because our agency is housed under the Department of Justice which enforces and litigates for the ADA (American Disabilities Act), we are government employees and were issued laptops to do our work, all of which is reported to the Dept. of Justice for tracking, policymaking, and planning.</i>
Scene Description	Raymond finishes a late morning Zoom meeting with two other directors and a business affiliate and begins checking his emails. After answering a few and beginning to work on a proposal document, he sees another email come in. It's from Jose, one of his coordinators. He sees that the email is not work-related but rather a long personal message sent from Jose's gmail account. He immediately calls Jose on Teams.
Raymond 	Jose, I just received an email from you that apparently wasn't meant for me. It looks like it's to one of your personal contacts.
Jose	What? I have no idea...that's crazy...oh, wait, that must be the email I sent to my friend Ray. I guess...um...I did everything too fast. Your email got populated instead of my friend's. Sorry about that.

	
Raymond 	You know you aren't supposed to use your government-issued laptop for personal tasks. We're only to use them for our RCDC work and communications. This might be considered a violation.
Jose 	Well, I was on my lunchbreak, honestly. I thought we were allowed to email from personal accounts on our own time?
Raymond 	That may be true, but...it seems like that would only be the case if all work is up to par. I hate to say it, but lately your work seems to be suffering. Shelly and I were comparing numbers again.
Jose 	<i>Here's what Raymond is talking about. One of my responsibilities is to maintain a database of borrowed, purchased, or given devices; their value; the frequency of service; who will conduct the service; and the user's reported satisfaction. I'm also on a committee writing the grant for the program's continuation since it's been so successful. Thirdly, I act as a liaison between our organization and state and local disability resource centers that try to link their constituents to our services and get similar initiatives up and running in their area.</i> <i>Lately, there's been an issue. Raymond says that his checks on the database have turned up numerous inaccuracies when he compares my data input to what my colleague, Shelly, has reported to him verbally, and that she has the documentation to back up her numbers and information. He also pointed out that two state and local contacts have complained that I gave them old information about some rules and regulations.</i>

Jose 	I can assure you I've been very diligent about my data input. My #s come straight from Brian and Corinne's reports under Reports & Records in the Tech Re-Use 2023 tab in Teams. I also compare them against Shelly's data.
Raymond 	Your concentration just isn't what it used to be. I also noticed that in our Zoom meeting the other day, several alerts came up while you were screen-sharing. They were from Paloma. You really cannot work efficiently and accurately with all these distractions from your friends and girlfriend. Performance reviews and conduct reports are coming up. I know you and I go back a long way, but when it comes to things like this, I have to be objective. You're violating rules with these personal communications.
Jose 	Could you tell me more about the people who claimed I gave them inaccurate information about rules and regulations?
Raymond 	We'll talk about it more later, Jose. You're not in trouble, don't worry. But in my experience, it's better to address matters and follow conduct reporting so that things get straightened out before they spiral out of control.
Scene Description	Jose calls Miranda, the HR person, on Teams. She picks up.
Jose 	Hi Miranda. Hope you're doing well. I just want to confirm something about what is allowed with our laptops. My understanding is that it's okay to use personal email as long as it's before or after work hours or during lunch breaks. Is that correct?
Miranda	Yes, that's correct. But...honestly, it's safer to avoid using your government computer for personal tasks altogether.

	
Jose 	I know. The only reason I do is that I like to work at coffee shops on some days, and I don't want to bring too many devices. My government laptop is not optional for work, so it's my go-to.
Scene Description	After getting off the Teams call with Jose, Miranda calls Raymond, since she knows Jose is one of his staff members. She senses something might be brewing.
Miranda 	Hi Raymond, is everything okay with Jose Maldonado? Anything I can help with?
Raymond 	He must have talked to you. That was unnecessary. I can take care of this myself. I know performance appraisals and conduct reports are coming up. I'm afraid I'm going to have to issue a first warning to Jose to stop personal communications on his government laptop during work hours. I think once he focuses, I'll see fewer of these mistakes.
Miranda 	I'm looking through Jose's file as we speak. He's been with RCDC for six years and has stellar performance reviews with high ratings for accuracy and detail orientation. It does seem odd that suddenly there is a drop-off in accuracy on reports, in databases, and in communications with outsiders. I suggest a deeper probe.

Potential Question Points & Questions:

- When Jose says "I think we're allowed to use personal email as long as it's before or after work or during lunchbreaks," what should Raymond do?
- What should Raymond look at or ask with regard to the personal email he saw from Jose to his friend Ray and with regard to the personal alerts that were coming up (during a Zoom meeting screenshare) from Jose's girlfriend?

- When Jose describes where he is getting his information from for the database he manages and updates, what should Raymond ask him?
- What should Raymond investigate with regard to Jose giving inaccurate information to state and local contacts?
- When Miranda offers to help, how should Raymond respond instead of saying, “I’ll handle it myself”?

Story 2: Raymond, Jessica, Miranda



Scene Description / Speaker	Script
Jessica 	I’m Jessica. I work under Raymond as well. As a web designer, I develop and update the Tech Re-Use website, often writing copy for the “success stories” section and populating it with news stories and interviews about similar initiatives around the country. I’m also the social media coordinator for Tech Re-Use’s Twitter, Facebook, Instagram, TikTok, YouTube, and LinkedIn accounts. I uphold RCDC and Tech Re-Use’s excellent reputation while garnering new interest from various parties. It’s a lot of work, but I was a communications major with a concentration in social media strategy—I know what I’m doing!
Scene Description	Jessica is in a one-on-one Zoom meeting with Raymond.
Jessica 	I’m finishing up those changes to the website you asked for. We want the home page to have an accordion block for the news stories, is that correct?
Raymond	Yes, I think that’d be best since there’s so much content. We don’t want to overwhelm people. Be sure you use the block that has thumbnails: image, headline, and the first line or two of text. Also, when you update

	the staff pages, use the new images Carolyn sent over from the last public outreach event.
Jessica 	Got it. Also, I'll be crafting a few tweets today that report on how that event went. I can blend in some infographics about the smartphone giveaway next month. Retain & Uplift has taken a real interest in some of our programs. I think my Twitter exchanges with them have gotten us a lot of new followers because <i>their</i> followers have noticed us.
Raymond 	Retain & Uplift. They're the disabilities organization in Louisiana, right?
Jessica 	Yes. They're a great connection. I think they work with a lot of young people who want to get involved.
Raymond 	Right...that's great. I saw one of your exchanges with them about your YouTube channel. Be careful with that. I think it's great that you have a channel, but...RCDC higher-ups are sticklers about employees not mixing their side businesses with RCDC, especially using your government laptop and government social media accounts.
Jessica 	<i>Ugh. I knew it was a matter of time before Raymond "warned" me about this. It's so silly.</i> <i>Here's the deal. I have a personal side project, a YouTube channel that focuses on career success for millennials. Though it's been blowing up lately, I don't call it a business because I'm not yet monetized. I'm not supposed to use my government-issued laptop for any "side businesses." Okay, fine. If and when my YouTube channel is a business, I won't. For now, it happens that during some exchanges with the Retain & Uplift</i>

	<i>Twitter account about disability services and programs, I made a connection between some of their work and how my YouTube channel could be helpful since it contains content on millennials and the wave they are making in recent years in community and social work. The Retain & Uplift account now tweets to various accounts, including the Tech Re-Use account, about millennials in public service work, and it occasionally references my channel. I've also had a few private exchanges on the Tech Re-Use account with Retain & Uplift and others about my YouTube channel.</i>
Jessica 	Well, my YouTube channel is not a business. It's a project.
Raymond 	But you intend for it to be a business at some point, right?
Jessica 	Maybe...I'm not sure yet. Anyway, I only mentioned my YouTube channel once, and it was <i>related</i> to the conversation about disabilities, a conversation I'm encouraged to have. I can't control other accounts continuing to message me and tweeting about my channel.
Raymond 	I'm sorry, but it probably needs to stop. We could get in serious trouble if someone from RCDC or one of my bosses at the Dept. of Justice notices your YouTube channel mentioned so frequently on a government social media account, using your government laptop, no less. This is a conflict of interest, Jessica.
Jessica	Can we talk to Miranda about this? I don't understand how my non-business can be construed as a business!

	
Raymond 	You and I are two of only a few people who have special permissions for social media sites on our laptops. We can't abuse the privilege. What you're doing looks like self-promotion or endorsement. We can't have that. We could lose our security clearances and a lot more.
Scene Description	After the meeting with Jessica, Raymond contacts Miranda.
Raymond 	I think Jessica Hart may need to be put on a performance improvement plan. She does not seem to understand how to have productive conversations on RCDC & Tech Re-Use's social media accounts. She's bringing up the wrong topics and not engaging as she should.
Miranda 	What exactly is she doing wrong?
Raymond 	She's supposed to tout our programs and raise awareness about disabilities, independent living, and technology help, but she's often going on a tangent related to millennials and careers, and self-promoting as she does so.
Miranda 	I'm looking at her training and development records. Ten months ago, she took <i>Effective Digital Public Outreach</i>, <i>Participating in Relevant Online Conversations</i>, and <i>Controlling Our Message with Language</i>. Do you want her to re-take one or all of these?
Raymond	Probably all. Ten months is almost a year ago. She needs a refresher. Let's add <i>Government, Ethics, and Social Media</i> to her re-learn program.

	I'll also ask her to shadow Eric Johnson. He has the same role as her but in the Social & Emotional Learning for the Disabled program.
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Potential Question Points & Questions:

- When Raymond mentions having seen Jessica's exchanges on Twitter, it's clear he noticed "the issue" previously but is only now bringing it up. It's important for supervisors to raise concerns as they are noticed, not incidentally when it comes up in a meeting.
- When Jessica refers to her YouTube channel as a project rather than a business, Raymond should seek clarification as to what constitutes a "business" per the policy that employees cannot promote their side business or do tasks related their side business using a government laptop or social media account. Is a business defined as something that makes money or as something in which one provides services or information to people with the intent to make money at some point?
- When Jessica refers to her Twitter conversations being "conversations she's supposed to have," Raymond might want to probe for Jessica's understanding of what she should be doing on Twitter and other social media platforms using the official RCDC & Tech Re-Use accounts. This would give him a sense of how much the issue is related to what Jessica knows or doesn't know (performance/skills-related) vs. what she will or won't do (misconduct).
- When Raymond speaks to Miranda, he should explain the situation in more detail before immediately suggesting a performance improvement plan. He should approach all issues with employees with a conversation about whether conduct or performance is the problem.
- Raymond should ask Jessica how the conversations she's having invoke or re-mention her YouTube channel are in line with her training in social media discourse and a government entity. He may be surprised to know that her conversations *are* in line with what she is supposed to be doing. He is caught up in the idea that she is breaking a rule rather than seeing how she can both be breaking a rule and also doing her job well.

Story 3: Raymond, Perla, Miranda

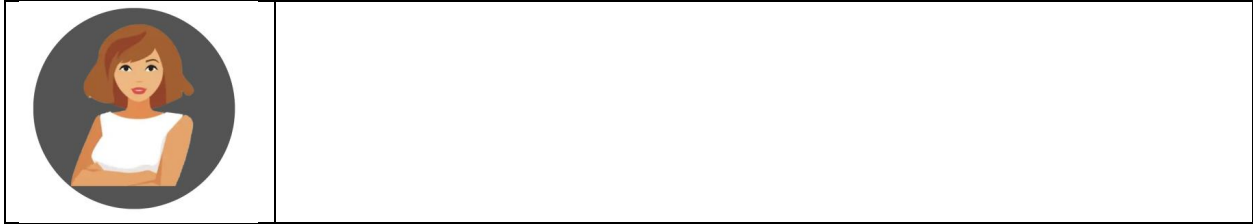


Scene Description / Speaker	Script
Perla 	Hi, I'm Perla. I also work under Raymond as a research analyst. I evaluate technological developments for assisted and independent living for the disabled and report to higher-ups about my findings. I also liaise with companies to coordinate demos and pricing proposals for their services and products. Like everybody else on the team, I work from home. We have a daily Zoom meeting to share information, give statuses on current projects, discuss issues and upcoming initiatives, etc.
Scene Description	Raymond, Jose, Jessica, and three other team members are in a Zoom session discussing a new initiative. They are waiting for Perla to arrive so Raymond can officially begin the daily meeting. Perla arrives 10 minutes after the intended start time of the meeting.
Raymond 	Perla, we were just discussing the public tour of the new facilities being built in that neighborhood on the west side. They'll be available for low rental rates in about six months. Jose and I are going to meet up on Saturday to do a pre-check and plan logistics of the tour. You're welcome to join us if you're available.
Perla 	Sure, that sounds great. What time?
Raymond	I'll let you know in a day or two. I have to see how a couple other things pan out. I may have another stop on Saturday, not related to any of you.

	It's some work I'm doing with Marcy on the upskilling and resume workshops she's facilitating. So anyway, let's get down to business with what's on my agenda here. And, uh, Perla, before I forget, could you stay on a few minutes after we end here?
Scene Description	After the team meets for 35 minutes, everyone leaves the Zoom meeting except for Perla and Raymond.
Raymond 	Thanks for staying on, Perla. The reason is that I'm concerned by your habitual tardiness to the daily Zoom meetings. Today you were late by 10 minutes. That would be okay if it were a one-off, but it seems to be every day.
Perla 	I was only five minutes late yesterday.
Raymond 	Why the delay every day? It's usually more than 5 minutes. I know you don't have <i>that</i> much going on. I like to start meetings on time. I often have ones I have to get to right after, so I can't afford late starts.
Perla 	Well, the meetings are internal—just you, me, Jose, Jessica... If I miss anything, they can fill me in.
Raymond 	That's not how it works. As a manager, I'm more comfortable knowing my people heard my announcements and statuses firsthand, not through the grapevine. So tell me, what's going on?

Perla 	Well, it's just so hard juggling everything. I'm often asked into meetings or chats just before this meeting. And it's people from RCDC, Tech Re-Use or new vendors and service providers. I can't not speak to them.
Raymond 	You're right—you do have to communicate. But it shouldn't interfere with a set appointment you have every day. What's wrong with telling them you will get back to them, that you're about to go into a meeting?
Perla 	That's hard to do. It's always "This will only take a moment." Today it was the lady at Texas Councils for Disabilities. She--
Raymond 	Wait a minute, you're still communicating with that organization? I thought we talked about this. You're not supposed to use work time or your government laptop to endorse the services or work of organizations similar to ours.
Perla 	I'm not endorsing. They use some tech products that I think we should look into, and I was just asking...
Raymond 	I realize you have to speak with companies and organizations to inquire about products, pricing, and demos, but they have to be organizations that serve organizations like us, not that are organizations like us. Between the ongoing tardiness to meetings and now continuing to do something I already warned you about, this seems like blatant flouting of rules. That's not like you, Perla.

Perla 	But Raymond, when I'm late, it's always because I'm doing communications and engagement work that delays me. As a matter of fact, in the last minute alone that I've been in this meeting with you, three people have messaged me on Teams chat, asking a question, or for a file they need immediately. One sent me a meeting invite at the same time as tomorrow's daily team meeting. It's just chaos with all these meetings and communications.
Scene Description	After getting out of the meeting with Perla, Raymond sends Miranda an email.
Raymond 	Email to Miranda: "Please send me the form for a conduct warning. I didn't want it to come to this, but Perla Jamison continues to be late to Zoom meetings. It's affecting my and everyone else's schedule because her being late means we stay in the meeting longer. Also, she has not heeded my call to cease communications with other disability organizations on her government computer. This is a first warning for both violations. I know Perla will straighten out. She's just not taking my verbal directives seriously."
Miranda 	Miranda emails back: "I agree with you that with some employees, verbal warnings have little impact while formal written ones do. Before we proceed, though, may I ask...did you Perla why she is late to meetings? And if she told you, did you ask what <i>that</i> is happening? Sometimes our "why" questions have to go beyond one level to get to the root of a matter. As far as misuse of government computers, there seems to be a lot of this lately. Yet I'm not sure if it's always misuse. There seems to be widespread misunderstanding about what is allowed and what is not allowed."
Raymond 	Raymond emails back: "Thanks for your thoughts, Miranda. Do you think Perla's situation is misconduct?"
Miranda	Miranda emails back: "Lateness to work or to meetings usually is misconduct. But in this case, the misconduct may be because of a performance issue rather than a simple refusal to follow rules. We'll look into it."



Potential Question Points & Questions:

- Raymond does not address Perla's lateness during the daily Zoom meeting with others. He simply tells her to stay after the meeting and he will talk to her then. Is this the proper course of action? Should issues be brought up immediately even in the presence of others?
- When Raymond asks Perla about telling others she is busy or about to go into a meeting, he might think about soft skills she may need more of. Assertiveness. He might also consider why he and others don't have the same problem. This might lead him to consider Perla's use of "busy" and "unavailable" settings in Outlook & Teams. It is possible she is not setting up her settings correctly or effectively. She may not know how to, which is a performance issue. She needs training or assistance.
- When Raymond says, "You're still communicating with that organization? I thought we talked about this." -- he should be documenting conversations and instances in which he warned an employee about something. If a person is eventually discharged for misconduct, it can only be officially categorized that way if there were warnings in writing all along. Otherwise, it would be considered a performance issue even if it was, in fact, misconduct.
- When Raymond tells Perla they are not allowed to endorse organizations similar to their own, especially using their government laptops, he should look into the policy to confirm he is correct, since Perla makes a distinction between "just communicating with" and "endorsing" (she says she is not endorsing).