AFFAIRS OF GOVERNMENT 2014:
Organizational Risk Management

Thank you so much for inviting me here to Long Beach to speak to you regarding your chosen profession, the operations of government. It is quite an honor to be here with you today. I know I have a mixed group of people here today but all of you have a focus on properly managing risk in public sector operations.

My focus today will be on the key role of the managers and executives in assuring that things go right in your operations thus avoiding the nasty consequences that occur when that goal is not achieved.

The thing that many people hear in my formal introduction is that I am an attorney. But long before I ever went to law school, I was so fortunate to be accepted into a graduate program of studies at USC. I studied under some of the gurus of safety and systems management (among them Harry Hurt, Ted Ferry and Chaytor Mason) at that time and their guidance is probably why I am here today.

For some odd reason I got hooked on the study of tragedy. I could bore you with all the details, but we spent a lot of time studying maritime tragedies, bridge and building collapses, pipeline tragedies, mining tragedies, refinery explosions, aviation tragedies (and that was the big focus of the entire program) – and I was able to extrapolate that information and start my own study of tragedies in my profession at the time – law enforcement.

As I mentioned earlier in the program, too many people want to blame the tragedy on the event in time that instantly preceded the tragedy – and I identified that event as the proximate cause. If you don’t get anything else out of my time with you today, please remember that the proximate cause is important to recognize.

But please go back in time and ask yourself this question. Were there problems lying in wait that people knew about or should have known about – and no one did a darn thing about it?
Identifying the root cause is a much more difficult task – but it can be done and once that root cause has been identified, you can put together control measures (policies and procedures) to address those problems lying in wait and hopefully prevent similar events from occurring in the future.

At this point in the lecture (and I have been doing this for a while and I have heard this so many times from attendees) many people think that these thoughts might apply to some professions, but certainly not the high risk world of (insert your profession) operations. “Our job is so darn complex that bad things are just going to happen and there is nothing we can do about it!”

Well, you are partially right in your observation. Your jobs are complex – and indeed there are tragedies that are going to occur that we cannot predict – and thus we cannot prevent. On the other hand, too many of your tragedies were predictable and preventable and we could have done something up front to address the problem prior to it ending up in a tragedy.

Time out for a definition. Webster takes a stab at defining “risk” as the “possibility of meeting danger or suffering a harm or loss,” or “exposure to harm or loss.” Therefore:

| Risk management is any activity that involves the evaluation of or comparison of risks and the development, selection and implementation of control measures that will change outcomes. |

Or, more simply stated, risk management is the process of peering into the future (5 seconds to 5 decades) and looking for things that can go wrong, and then doing something right now to prevent it from going wrong.

It all gets down to RPM. You will be hearing that phrase throughout our brief time together. First you must recognize the risks you face. Next you must prioritize them in terms of frequency, potential severity and available time to think.

Finally, you have to mobilize (act) to do something to address the recognized and prioritized risks. Everything we do involves a level of risk. Every identifiable risk is a manageable risk.

There are a wide variety of focused families (10 of them) in the arena of risk management, but for our limited purposes here this afternoon, I will mention just mention them since our focus is on organizational risk management.
1. **External Environment** – Risks arising from outside the organization that impact your public sector operations. And we know there are a number of these and they are increasing in frequency and severity.

Here is a partial list of some external risks that you face:

- Climate Change
- Population Change
- Terrorism
- Natural, Intentional and Accidental Disasters
- Demand for Transparency
- NBC/WMD
- Water Shortage
- Economic issues
- Pandemics

2. **Legal and Regulatory** – Risks arising from the complexity of or non-compliance with of the legal framework imposed on government operations here in the United States. If there is a law or ordinance in state or federal statutes that requires action or prohibits action – this rule must be known and followed.

I am always amazed at how many organizations (including big ones with huge budgets and staffing) are not in compliance with state and/or federal requirements.

3. **Strategic** – Risks arising from the lack of priority setting and business planning leading to a reactive organization that is not prepared or flexible enough to deal with unforeseen events. This goes on a lot, particularly in smaller agencies that do not have sufficient personnel or time to plan for the future.

Where will your organization be in 30 years? I can give you a hint. Our future is regionalization, outsourcing, consolidation and technology – and those that understand this will prevail in the future. Those that don’t – won’t.

4. **Organizational** – Risks arising from not clearly defining roles and responsibilities, not demonstrating the values of your organization or not having monitoring processes in place. Later in our program this morning I will talk about your role in getting and keeping good PEOPLE, developing and maintaining good POLICY, building a TRAINING program that works, assure that there is appropriate SUPERVISION of personnel, and have a DISCIPLINE system in place to address the people that think that rules were
meant to be broken. More on this later this afternoon, as this is my focus for the rest of the day.

5. Operational – Risks arising from concerns that processes in place do not ensure appropriate investigation, enforcement or transaction reporting. This is not my focus today, but all of our personnel must be fully and adequately trained to do their core critical tasks – and understand the value of thinking things through when time allows.

6. Information – Risks arising from untimely, inaccurate or unreliable information that supports the discharge of roles and responsibilities. Be aware of the dangers of ignorance, complacency and cognitive bias. Also, we must have a free flow of information up and down the chain of command within your operations.

7. Human Resources – Risks arising from work environments that do not receive adequate resource allocations, lack internal mutual trust, acceptable performance levels, or suffer from a lack of transparency or good management.

This is probably the greatest liability risk you face today in 2014. It is also the easiest risk to address. If you don’t get anything else out of our time together – please recognize that all employment law is discretionary time in nature – so please take the time to think prior to making any employment law issue. Get your thoughts to the good people at HR or Personnel or competent counsel prior to making the decision.

8. Technology – The fastest growing family of risk we face today. I have grave concerns regarding internal issues including purchasing of hardware and software, personnel training issues, misuse of information, redaction issues, not fully understanding social media, and internal security issues. Also, I am concerned about all the external threats we face from hackers, malware, EMP, and external security issues.

9. Financial and Administration – Risks arising from improper budgeting, forecasting and expenditure controls, including contracting, asset management, internal audits, improper salaries, misuse of overtime and poor revenue oversight. I am always amazed at who is managing the money in public sector organizations. Too often it is a former line employee who understands how to be successful in a promotional process who has little or no formal education in finance or administration.

10. Political – All of your personnel should stay out of the fray of politics. Your mission should not be impacted by which political party is in control of the state. This is a tough one, particularly at the local level.
Bottom line: You need to make sure that real risk management is a major part of your public sector operations. I would love to see risk management on the highest levels of your organizational chart.

Time out for some definitions. Webster takes a stab at defining risk as the possibility of meeting danger or suffering a harm or loss, or exposure to harm or loss. As a follow then:

| Risk management is any activity that involves the evaluation of or comparison of risks and the development, selection and implementation of control measures that change outcomes. |

Here are three statements that have guided me through most of my RM life. First is a quotation, albeit paraphrased, from the great risk management guru of the ‘40s, Archand Zeller:

The Human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. The errors that he will make can be predicted from the errors he has made.

What does this mean? We have not figured out any new ways to screw things up. We are making the same mistakes over and over again. Mines have figured out no new ways to collapse. Ships have not figured out any new ways to sink. Refineries have not figured out any new ways to blow up. Restaurants have not figured out any new ways to kill people. Planes have not figured out any new ways to crash. Fire departments and firefighters have not figured out any new ways to get in trouble. Cops have figured out no new ways to get in trouble.

I am sick of hearing that faulty “poor me” refrain. I can show you organizations in every high-risk profession that are underrepresented in problems because they understand the principles of risk management starting with the reality that there are no new ways to get in trouble. To be sure, there are variations on a theme, but in reality it is the same stuff over and over again. Let me jump ahead in the lecture.

**IDENTIFIABLE RISKS ARE MANAGEABLE RISKS**

The second statement important in my life thus far came from my mentor, professor and friend, Chaytor Mason. He was a risk management guru in the ‘60s. Here is a capsulized version of his response when I accused him of being the smartest person who ever lived:

The smartest person in the world is the woman or man who finds the 15th way to hold two pieces of paper together.
We too must be looking for new and improved ways of doing this most complex job, and you are the ones who can do that. There are better ways to hire personnel, and there are better ways to train them. There are better ways of doing performance evaluations, and there are better ways to track personnel to identify future problems.

Status quo (we have always done it that way – we have never done it that way) does not work. There is a better way of doing business, the 15th way, and we must constantly be looking for it. My third belief in life is a summary of the above two thoughts.

**Predictable is Preventable**

Let’s move on to our focus for most of the rest of the day – organizational risk management. Take a look at this graphic.

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PEOPLE
POLICY
TRAINING
SUPERVISION
DISCIPLINE

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LAWSUITS
INJURIES/DEATH
EMBARRASSMENT
INTERNAL ISSUES
CRIMINAL ISSUES

**Getting Things Done Right**

Risk managers study consequences and look for causational factors. It is always easy to find the proximate cause (the small x to the left of the Incident on the timeline above) as it usually immediately precedes the tragedy. But real risk managers go beyond proximate cause continually search for the Root Cause (the problem lying in wait – the large X on the left side of the timeline) of the consequence.

Risk managers always look for RCFs. And when you find them – you will usually that they are problems lying in wait that people knew about or should have known about and no on acted to address the issues in advance.

What really caused Challenger? What really caused Columbia? What really brought down the Titanic? What caused the Chernobyl disaster? What caused TMI? It is not always the obvious. If you take the time to study the consequences that occur in our profession, almost without exception you can link them to the same five Root Causational Factors – problems lying in wait.
With respect to organizations like yours, the Five RCFs that I regularly see when I study nasty consequences are always the same. Show me a public sector organization in consequences and I will link the problem one of these five issues: People, Policy, Training, Supervision, and Discipline.

I also believe in a theory known as analogues. If the consequences are caused by RCFs then adjusting and fixing the RCFs can assist us in eliminating consequences. In essence, you can turn the Five RCFs into the Five Pillars of Success, the foundation of Organizational Risk Management. These five pillars are People, Policy, Training, Supervision and Discipline.

I know that I am with smart people today here at PRIMA, and that you probably already have each of these pillars in place. Organizations that have the sense to allow you to come to this program are probably already headed in the right direction. You do not need ground up restoration.

I am here to validate some of the things you are already doing, and fine tune some of your existing practices on the left side of the chart, preventing problems before they occur.

**PEOPLE**

**Recruitment efforts - This is an obligation for all of us**
- Encourage your people to actively recruit everyday
- They are the best tool in this process
- We need an applicant pool that comes from our community – or at least mirrors the community
- To not have this is a problem lying in wait

**Comprehensive Background Investigations**
- Spending the money up front really works
- Nickels today can save thousands tomorrow!
- Remember the “Fort Dix Six”
- Who is Annie Dookhan?
- Core ingredient of hiring process is integrity
- You cannot test for integrity
- Not everyone is qualified to be in your organization
- The importance of ongoing background investigations

**Understanding the probationary process**
- Your trainers need to take this seriously
- Your supervisors need to understand this
- Management needs to listen to the supervisors and support them when they make the tough calls.
  - If they have people on probation that either can’t or won’t do the job, you must act now!
  - They will not get better over time.

**Meaningful Performance Evaluations**
- Supervisors have a critical role here and you have to have the guts to be honest with your personnel. Good men and women will meet and exceed your level of expectations. Please, follow your systems.
Audits, Controls and Early Warning Systems
Promotional Considerations

Having said all of this, I am still confident you have good people in your organization. However, having good people is not enough. Good people need direction on how to do their job, and that is the role of Pillar Two, Policy.

Why is this so important? Give me your best ten people in any job description. Give them a low frequency task, particularly one high risk in nature. Without a policy, you will have 10 good people approaching the task 10 different ways with 10 different results. Some of these results might be very bad. Good people need good policy.

Unfortunately, as I travel around America, I see the same policy issues over and over again. I see missing policies, out of date policies, non-existent policies, stupid policies, policies written by people who have never performed the task in their life, policies inconsistent with other policies, policies by crisis, etc. etc.

I would love to see some statewide consistency in your policies. In any given state you are all working out of the same state law and applicable federal law. So, why does every agency have a different way of doing business? When every agency has a different way of doing business, this is a ticket for disaster. You who are executives in here today (or in the future) have a key role here. Best Practices need to be identified and shared.

The smallest public sector organization in your state should have access to the best policies available. Remember, they can create negative case law that adversely impacts your agency.

First, I would love to see the hundreds of pages of policy manual broken down into separate and distinct job descriptions along the lines of the “risk/frequency” analysis.

You must ask this question: In this specific job description, what are the events that historically have caused us the most grief? How do we get hurt, sued, embarrassed, killed, indicted or fired? You do not have to guess where the problems are going to occur. A comprehensive risk assessment will quickly identify the tasks that are going to cause you the most grief. An easy way to do this assessment is to study your past tragedies.

Remember, there are no new ways to get in trouble. Do not limit your assessment to your organization. There are hundreds of cities (just like yours) around California and America and you need to study what has happened in these other organizations that are just like yours.

Then, you can build sufficient control measures to address the identified high risk tasks. Take a look at this chart for a further explanation of this issue.
POLICY

Identifying the HR tasks in each and every job description. In this job how do people get killed, hurt, sued or indicted? Again, the importance of the risk assessment.

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FREQUENCY

Don’t focus on low-risk tasks
Properly derived, including review by competent counsel and subject matter experts, not just once but annually
Do your policies reflect the best practices in your profession?
Some consistency between agencies would be nice
What was that about the Golden Gate Bridge?
Establish an OPI for every High Risk policy
Focus on (HR/LF/NDT) and those that are mandatory
Make sure you and your people know the HR policies

TRAINING

Initial and Ongoing (SROVT)
The answer is in repetitive training up front
Right now we are locked into training after the fact
This is classic “lawyerthink”

You are responsible for training.
Every day must be a training day focusing on HR/LF and HR/LF/NDTs – Playing the “What if?” game works
Consistent with your good organizational policy
Pre Incident verification of level of knowledge
Remember, there is always a better way!
How close can we bring training pre incident?
Properly documented – Training records are essential.
HR/LF/NDT Considerations in decision-making
So what is wrong with assessment and testing?
Do your people know their core critical tasks?
SUPERVISION

Supervisors must enforce organizational policy
Someone has to insure the systems are being implemented. That is the role of supervisors!
Not some of the policies, but all of the policies
Enforcing only some rules does not work
Not some of the time, but all of the time
A lack of consistency in enforcement is bad
Not with some people, but with all the people
Don’t play favorites – or give that perception
Not one or two supervisors, but all supervisors
Supervisor shopping is indicative of a problem
Do you have a Bud working for you?
   Take a look at Czar 52
   Yes, there are Buddettes in our world also.
What is the role of management here?
Support supervisors when they make the tough calls.
Auditing, Inspections and Complaint investigation
MBWA leads to SBWA leads to Proper Conduct
Try to catch your people doing something right and then take the time to document it!
The number one complaint I get from line personnel in public sector operations is the only time I ever hear from my supervisor is when something is wrong. Please go back and talk to all of your supervisors about the importance of positive reinforcement when they catch people doing something right.

DISCIPLINE

Prompt, fair, consistent, impartial
All if these must be in place
Not dependent on consequences
   How we started thinking that way is beyond my comprehension
   Discipline is not a function of consequences
   Discipline is a function of policy
   When rules are not followed, someone needs to act notwithstanding consequences or a lack thereof
Remember it is a discretionary time task
   Take the time to do it right the first time
   Relations with civil service and HR
   They do this at a higher frequency than you do
   You would laugh at HR if they tried to do your job so please don’t think you understand their job
There has to be a bright line on ethics and integrity
In order to be successful, you must first get and keep good PEOPLE, derive and maintain good POLICY, make sure there is adequate TRAINING regarding the policies, have appropriate SUPERVISION of workers to make sure policies are being followed and take appropriate DISCIPLINE when there is deviation from established policy.

1. **Why do things generally go right?**

Things usually go right, notwithstanding the complex nature of the job, because our good people think quickly, and rely on their experience to do the job right. This is RPDM in action. Give me a good public sector employee, put them in a "been there – done that event" – and they will get it done right for you almost all of the time.

Give me a good person with a loaded hard drive, and things will get done right. And most things we do we do right. This is something that our public may be unaware of as all they ever hear are the problems. So, where do these problems come from? They do not just pop up out of the blue.

2. **Why do things go wrong?**

To be sure, some things go wrong because of intentional misconduct. We have some bad people in our profession, and sooner or later they get caught, fired and prosecuted. I believe this is an area ripe for risk management. Identifying and evaluating risks, and developing, selecting, and implementing control measures up front to reduce the probability of a harmful consequence.

Systems like good recruitment, comprehensive background investigations, understanding the probationary period, and good supervision and discipline can minimize this.

However, the vast majority of incidents that end up in a one of your people getting in trouble, being injured or killed or sued, are not generally because the involved person started off his/her shift with the intent to do something wrong.

Things generally go wrong because well-meaning people get involved in very complex incidents that develop and change very rapidly and the involved person makes a mistake. Again, you can call them errors, omissions, lapses or just plain negligence – but this is an area that needs your constant and ongoing attention.

Things go wrong, not because we have bad people, but because our good people occasionally get involved in low frequency events where if not done right, there are major
consequences. Take away frequency, you have taken away experience. Take away experience, and all you have to rely on is training.

3. **How are public sector personnel trained currently?**

Virtually all of your personnel start and end their career training. We are forever training our personnel on how to do the job right. Your career started in formal training at the start of your career, and throughout your life as a public sector professional you receive ongoing training. Your hard drive has been partially loaded through training.

However, after you graduate the initial training, when is the next time you have to take a serious test that you have to study for? For many of you, the only test you ever take is the incident itself. That is the first time you are posed with a situation posing a very specific question requiring a very specific answer. Where is the verification of level of knowledge in your department?

How do you know what your people know about the HR/LF/NDT tasks prior to their involvement in the incident? When posed with the question, your people only have training and experience on which to rely. If you don’t have the experience, all you have to rely on is your training. And if your training was one time in time some time ago, the likelihood of achieving your goal of proper conduct is substantially diminished.

A final evil in the world of training is that too many of our personnel view the training responsibility as a responsibility of their boss or the training unit or their supervisor. To the contrary, training is the responsibility of everyone. No one loses with highly trained, highly qualified professionals properly handling assigned tasks and incidents. By the way, it is the right thing to do.

Training has got to have three core ingredients. It must:

**Be job-description specific.**

**Be focused on the HR/LF/NDT events.**

**Assure pre-incident verification of level of knowledge.**

4. **What is the answer?**

You guessed correctly. The answer is risk management. Am I driving you nutty with this yet? Remember the definition from earlier in the program. Identify and evaluate risks, develop and implement control measures up front. Training is ripe for risk management.

The key to achieving your goal of “Getting Things Done Right” is identifying and training for the low frequency, high-risk tasks. Providing this training as close as possible pre-incident is the key.
Waiting for things to go wrong, and then providing training so that it does not happen again soon is not good enough. You must develop a systematic control measure to assure your people are adequately trained.

One such systematic approach is a risk management tool known as SROVT: Solid, Realistic, Ongoing, Verifiable, Training. I put this program together for my department in the ‘80s and it is now the foundation of the Lexipol Knowledge Management System and I now call it the DTB – Daily Training Bulletin approach.

Your personnel start off their career with Solid and Realistic Training. Where many organizations fail is in providing Ongoing and Verifiable Training. Ongoing means regularly in bite size portions. Verifiable means making sure you know the law (if any), the department policy and appropriate technique prior to your involvement in the incident.

5. **How is a program of SROVT implemented? - The four-step approach to success.**

**First**, you must identify the CORE CRITICAL TASKS in each particular job description within your organization. This is done by utilizing the following formula:

\[
\text{TOTAL TASKS} - \text{EXPERIENCE} - \text{DON’T COUNT} - \text{DISCRETIONARY TIME} = \text{HR/LF/NDT}
\]

Get out the up-to-date job descriptions and a marking pen. Use the above formula to identify the tasks that fall in the top right box of the matrix that is indelibly imprinted over your left eye.

Remember that every public sector professional has different critical tasks. The job description of a chemist is completely different than the job description of a security guard or an engineer or records keeper or a dispatcher or a front desk person. Therefore, each job description will have different critical tasks.

Supervisors are responsible to know their critical tasks and those of their subordinates. I have no problem with a regular assessment tool to find out which areas we need to focus on for any individual employee so that we can ascertain what they really know or don’t know.

I believe the performance evaluation process could be used more effectively in verifying knowledge, skills and abilities, particularly in the area of critical tasks.

Second, after identifying these critical tasks, make sure you have a policy in place that addresses the identified task. Well-written policies and/or procedures fully incorporate
any applicable law, and speak of technique as necessary. Sometimes, the development of an SROVT program will find critical tasks that have no policy.

Third, after identifying these tasks and finding the right way to do the task (following law, policy and technique) make sure your people have the S and the R (Solid and Realistic - Do they really know how to do this task?). In most states, this is usually achieved during initial training.

This is called the immersion process, in which we spend a lot of time covering the identified task and making sure that our personnel know how to do this task. Please make sure this is happening at the start of the career. With respect to initial training involving hands on, here is a quick five-step risk management approach to the S and R component of the process.

1. Identify the hazards and assess the risks involved in this training activity.
2. Analyze available control measures applicable to this training activity.
3. Inform trainees of the involved control measures and why they are important.
4. Implement the control measures throughout the involved training activity.
5. If rules are not followed, address the deviations appropriately.

Fourth, after they really know it, follow up with the O and the V. The high level of knowledge obtained during the immersion process will deteriorate over time unless spiked by frequency or in the absence of frequency, additional ongoing and verifiable training.

An analogy would be booster shots. We vaccinate our kids early on in life, but this is not good enough. We have to occasionally give the booster shot to maximize their protection. With respect to ongoing training, once or twice a month per task is adequate, the more the better.

Ideally, each employee in your organization should receive a 6-minute training session per day focusing on the HR/LF tasks in general and the NDT tasks in particular.

Why six minutes? Do the math. 6 minutes times a 5-day workweek is one half hour per week, 2 hours per month and 24 hours per year. That is a lot of training hours and how much did it cost you to provide it...nothing!

Why 6 minutes a day? Adults learn better by repetition than they do immersion. Have you ever had a training day after working night shift? Did you really leave that training day with any real learning? Why 6 minutes a day? Have you ever attended a four-hour class that could have been covered in 6 minutes, or did you already forget about the blood borne pathogen class?
6 minutes a day works, and it works well, particularly if it focuses on the things that really count, the HR/LFs and in particular the NDTs. Pre-incident verification of level of knowledge is the goal. Random audits and inspections will assist you in this regard. At this point, you have the SROVT and you are in route to your goal of Proper Conduct, which is the goal for each of us on every incident we encounter.

Start with the **CRITICAL TASKS** that apply to all of your organizational personnel. These include the Mission Statement of your department, the Ethics Statement, the building evacuation policy, the workplace violence policy, the harassment policy and similar issues that apply to everyone in the organization.

Then add in the Core Critical Tasks specific to any and every given job description. Now you have your calendar and you are en route to making every day a meaningful training day.

**6. What are the benefits of having a program of SROVT or DTB?**

There are three potential benefits to having this type of program in place. When things get done right we better protect our personnel and public, reduce liability exposure, and start creating the loyal customers we need throughout our various jurisdictions.

Well, that wraps it up for our brief time together. Thanks for coming back after the breaks and for your attention. I came here today with several goals.

I focused on the principles of Organizational Risk Management, and your role in this process. It takes a good person to be a good public sector professional! I am confident you are a good person and you have good people working for you! But being a good person is not enough.

In order to be thoroughly ethical and professional, all of your professionals have got to be given good policy manuals that clearly describe what their specific job is all about.

Additionally, all of our women and men have got to be fully trained to perform every aspect of their rightful work. Every day must be a training day.

Supervisors and managers need to be actively involved assuring that policies are followed, and things are getting done right.
When policies are not being followed, that deviation from policy needs to be addressed notwithstanding consequences.

Getting the right thing done right the first time while treating all with dignity and respect should be the goal for each of our employees. Following this up with solid incident documentation better protects your department budget.

Taking all of this seriously will allow us to maximize customer service, minimize civil liability, maximize the safety of our personnel, and it is the right thing to do. As the head of your organization (either now or in the future), you have a critical role in this process.

As a leader in your organization, please remember your primary mission regarding systems and their design, update and implementation. Also, you have that key role of audits and inspections, and promoting people into supervisory and mid-management jobs who have the guts to do the job correctly.

And when rules are not being followed, that needs to be addressed with the discipline process. Rules without enforcement are just nice words. Again, thanks for coming today. I wish you continued success in all you are doing.

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