

# TECHNICAL ASSISTANCE MEMORANDUM

## Texas Department on Aging

Subject: DoA Administrative Policies Regarding Certified Volunteer Ombudsman Complaint Resolution Procedures and Certified Volunteer Dismissal Review

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### **BACKGROUND:**

The Ombudsman Program has been fortunate to date to have experienced very few discipline problems with Certified Volunteer Ombudsmen. Nonetheless, there may be, despite your best efforts, numerous reasons why a Regional Ombudsman may need to take corrective or disciplinary action with a Certified Volunteer Ombudsman. When this is necessary, it is important to ensure that a procedure is in effect which protects all involved, provides a fair, consistent and published process which can be easily accessed by the Certified Volunteer Ombudsmen, yet protects the Program from undue expenditure of scarce resources.

The best solution to discipline problems is prevention. Each Regional Ombudsman needs to conduct a thorough screening process. Several opportunities are provided to evaluate the appropriateness of a candidate throughout the certification processes. Applicants can be directed to other more suitable volunteer opportunities. The training modules are thorough and provide several opportunities for interaction. This time provides a significant opportunity to screen out inappropriate applicants. Before selecting and before recommending an individual be certified, evaluate their potential to contribute to and detract from the Program. Certified Volunteer Ombudsmen must be able to attain the required standard of performance and conduct in order to implement the duties specified in the Older American's Act and the criteria in the assignment description.

Once selected, Certified Volunteer Ombudsmen should be able to expect:

- Clear instruction and training as to their responsibilities;
- Supportive and constructive criticism;
- Clear details regarding appropriate and/or satisfactory performance or behavior as well as that which is inappropriate and/or unsatisfactory;
- Suggestions regarding what and how to improve;
- Time and opportunity to demonstrate improvement; and
- A written record of performance.

Establishing an atmosphere where the Certified Volunteer Ombudsmen feel comfortable in discussing concerns will eliminate many later problems. When discipline becomes an issue, keep in mind Certified Volunteer Ombudsmen are volunteers not employees. Volunteers do not have the same rights as employees. and are not entitled to the same relief from a grievance system that employees may have.

Therefore, pursuant to 40 TAC, 260.11 Ombudsman Services, paragraphs (f)(I) and (g)(3)(6), the Regional Ombudsman shall use the enclosed form - Application For Certification As A Certified Volunteer Ombudsman, comply with the attached two policies 1) The TDOA Administrative Policy on Required Content of Regional Volunteer Ombudsman Program Complaint Resolution Procedures, and 2) The TDOA Administrative Policy on Certified Volunteer Ombudsman Dismissal Review, and utilize the attached Ombudsman Intern Assignment Description, Ombudsman Intern Goals, and Certified Volunteer Ombudsman Assignment Description as criteria to guide selection and continued service of Certified Volunteer Ombudsmen.

## **TECHNICAL ASSISTANCE:**

### **PERFORMANCE PLANNING -**

A volunteer is an anomaly. Although the volunteer is not entitled to the same recourse as an employee when it comes to discipline and dismissal, successful volunteer management involves treating the Volunteer as you would any other staff when dealing with interpersonal interaction, assignment and oversight of work.

Formal policies are to be established which define:

- adequate performance;
- how concerns and conflicts are to be addressed;
- how the assignment description can be clarified and/or changed;
- the discipline and dismissal procedures;
- the record keeping system and confidentiality requirements;
- and cite the condition that certification and re-certification of Volunteer Ombudsmen are at the mutual agreement of the Regional and State Long-Term Care Ombudsman;
- the circumstances under which Certified Volunteer Ombudsmen can be released or disciplined by the Regional and/or State Long-Term Care Ombudsman in compliance with Regional procedures and implementation of the TDoA Administrative Policy on Certified Volunteer Ombudsman Dismissal Review.

### **CONFLICT PREVENTION/RESOLUTION -**

The day-to-day interactions we have with others can have a significant impact on how we interact with those people at a time of conflict. The on going volunteer supervision and management system should:

- Ensure that clear instruction and training as to the volunteer's responsibilities are provided;
- Ensure that the Certified Volunteer Ombudsmen have knowledge of how they can bring concerns and/or complaints to the Regional Ombudsman;
- Ensure that the Certified Volunteer Ombudsmen know they are expected to inform the Regional Ombudsman of even minor conflicts with a facility or resident and that they are provided a regular opportunity to update the Regional Ombudsman and discuss methods to address issues;
- Ensure that the Regional Ombudsman schedules a regular time to provide each Certified Volunteer Ombudsman supportive and constructive feedback on performance and discussion of concerns. The Regional Ombudsman should treat every issue or concern as a potential major problem. Concerns discussed early with the Certified Volunteer Ombudsmen will increase chances of preventing them from flaring up into something big.

## ESTABLISHING A DISCIPLINE SYSTEM -

Discipline should be a positive process. The first definition of discipline is "training that corrects, molds or perfects." Developing a Certified Volunteer Ombudsman with the appropriate discipline requires quality performance planning as specified above. A good system should:

1. Provide clear details to the volunteer regarding appropriate and satisfactory performance as well as inappropriate or unsatisfactory performance behavior;
2. Require the Regional Ombudsman to make suggestions regarding what and how to improve;
3. Specify the time and opportunity to be provided to demonstrate improvement;
4. Require a written record of performance be maintained;
5. Provide for a formal investigation of offenses, with time to learn the volunteer's side of the story and to develop proof of the transgression;
6. Have a graduated system of discipline (warning, documented other placement options or supervisory assistance, suspension, and termination) and fair and equal enforcement policies;
7. Allow for a review of the actions taken, which may include a peer review process;
8. Define the dismissal process;
9. Provide for follow-up notification to staff, clients and others who need to be informed that the volunteer is no longer connected to the agency. It is especially vital to notify any clients with whom the volunteer has been matched that the volunteer is no longer representing the agency; and
10. Provide a system by which confidentiality of performance records and disciplinary actions will be maintained.

## DISMISSAL -

Dismissal might be necessitated due to misconduct (drinking, breach of confidentiality, abuse) or unsatisfactory performance (inability to perform assignments).

While the decision to dismiss a volunteer is a perfectly proper one, and in fact, may be required both in terms of preventing the volunteer from causing additional problems and in terms of maintaining the morale of those with whom the volunteer is working, it is still a serious one. Before making the decision to dismiss a volunteer, the Regional Ombudsman should first consider if an alternative action is possible.

### Alternatives to Dismissal

Here are some alternatives you might consider:

1. Re-supervise the volunteer.

Occasionally, volunteers attempt to break rules and simply need to be reminded that the rules and procedures need to be obeyed. Volunteers may attempt to see what they can get away with during the first month on the job. A firm reminder may be enough to solve the problem.

2. Re-train the volunteer.

Some mis-performance may be through ignorance. The volunteer may simply need a refresher course or more extensive training.

3. Re-motivate the volunteer.

A volunteer may be suffering from boredom or a loss of enthusiasm. Attempt to re-interest the volunteer by giving them a new challenge or consider giving them a sabbatical during which they can refresh their outlook.

4. Reassign the volunteer.

Some disciplinary problems are cases of mismatched personalities. Conflict may have arisen between a volunteer and a staff member, for example, simply because the two do not get along. Neither is inherently bad, but they do not mix or work well together. Rather than punishing the volunteer, consider rematching with another co-worker or a move to a new position for which she is more suitable.

5. Refer the volunteer to another agency.

Find a more suitable placement for the volunteer at another agency, where his or her talents and interests can more productively be utilized.

6. Retire the volunteer with honor.

Where a volunteer who has given time to the agency for years but has reached a point at which she can no longer contribute, then the appropriate solution may be to arrange a retirement party honoring the volunteer's contribution. You may in fact discover that the volunteer has been wanting to reduce their commitment to the agency, recognizing their own difficulties, but had been deterred from doing so because of a strong sense of obligation to the agency. This formal separation allows the volunteer to leave with honor and without guilt.

### Conduct a Dismissal Interview

The Regional Ombudsman Program must have an established formal system when corrective action is required. The Conflict Resolution System should provide the dismissal of a volunteer be done personally by the Regional Ombudsman whenever possible. During the session, follow these principles:

1. Be quick, direct and absolute.

At some point, make the unequivocal statement that the volunteer is being released from volunteer service with the agency.

2. Announce, don't argue.

If you have instituted the management and Conflict Resolution System described above, you will have already had all necessary discussion and learned all necessary facts. At this point, you are communicating the decision, not negotiating.

3. Do not attempt to counsel.

If counseling were an alternative, you would already have done it. Do not attempt to deceive yourself into believing that they will accept your advice - those whom you have just dismissed will not regard your advice highly.

4. Acknowledge the positive contributions made by the volunteer while serving in the Program.

5. Provide the Dismissal Notice in Writing.

Include a request for surrender of the Certified Volunteer's Ombudsman Badge. Inform the individual that they are no longer authorized to represent themselves in any way as a Certified Volunteer Ombudsman. Provide all information required by the established Regional policies, and the Notice provisions specified in TDOA Administrative Policy on Certified Volunteer Ombudsman Dismissal Review.

6. Follow up with the Volunteer.

Settle any unfinished logistical items necessary to end the volunteer's relationship with the agency in writing as soon as possible.

#### REGIONAL VOLUNTEER OMBUDSMAN PROGRAM COMPLAINT RESOLUTION PROCEDURE REQUIRED CONTENT -

Although we recommend the inclusion of the above, the Regional Complaint Resolution Procedure must at a minimum include the requirements specified in the attached two policies: TDOA Administrative Policy on Certified Volunteer Ombudsman Dismissal Review, and TDOA Administrative Policy on Required Content of Regional Volunteer Ombudsman Program Complaint Resolution Procedures.

Use of the Certified Volunteer Ombudsman Application form supplied by the Office of the State Long-Term Care Ombudsman, dated 8/1/97 or its subsequent when applicable, is required.

These requirements are specific to the Ombudsman Volunteer Program. The existing regional complaint resolution procedures should allow the inclusion of these specifics or should require only minimal adaptation. These requirements should not require the development of an entirely new regional policy.