



Department of Employee Relations

Tom Barrett
Mayor

Makda Fessahaye
Director

Renee Joos
Employee Benefits
Director

Nicole M. Fleck
Labor Negotiator

September 8, 2021

Dear Board of City Service Commissioners:

Pursuant to Rule VIII, Section 8, I am requesting that the probationary period for Paralegal, Alexander Fischer, be extended for six months until 3/3/22.

Background: Mr. Fischer was appointed to his position on March 3, 2021, through a competitive examination process. He was selected as the Paralegal for the Department of Employee Relations Worker's Compensation Division. He has had extensive daily on the job training in the administrative functions and paralegal functions related to the Worker's Compensation responsibilities for the City of Milwaukee.

Current Performance Concerns: Mr. Fischer's job responsibilities include meeting static filing deadlines with the Department of Workforce Development and Office of Hearing and Appeals with the State of Wisconsin. These filings require preparation and review. The level of urgency in the tight timelines impacts his reliability and dependability as they relate to filings. He is required to multitask and follow up on multiple tasks and had difficulty managing those competing priorities causing delays in executing legal orders from the State of Wisconsin and/or adjusting other task assignments to fill in those gaps.

Attendance: Mr. Fisher has been out quite a bit with sick leave (approximately 5 - 6 days) in the past 6 months which requires his job tasks to be reassigned or shifted to other staff members.

Productivity: For seven months Mr. Fischer was in the training stage of his position and had not been assigned a full case load; he had responsibility for 6 litigated cases. On 8/18/21 he was assigned an additional 34 files. He is experiencing challenges in the competing priorities of each litigated file, including the 6 cases he was initially assigned. We are working closely with him by providing training, checklists, and tools that will assist him on focusing which tasks need to be prioritized in order to meet timelines and deadlines.

Mr. Fischer has been provided training one on one with all staff members to help him navigate the complexities of defenses in litigated claim files. Mr. Fischer waits for direction and does not apply the training he's been given and self-initiative to complete or follow up on tasks on a regular basis. His time management skills need development. Due to Covid litigation hearings and pre-hearings were on hold, however now that the State of Wisconsin has resumed hearing schedule there is a an intensity of work required from this paralegal position which Mr. Fischer has yet to achieve this level of productivity.

Conclusion: DER – Workers Compensation Division Manager will continue to provide daily training and direction on tasks assigned to Mr. Fisher. We would like to provide him additional time to gain the knowledge and skills to improve his productivity. We are therefore requesting to extend his probation period for six months 3/3/22.

Thank you for your consideration. If you have questions, please contact me at 286-3510 or email nrjurk@milwaukee.gov.

Nilsa Rosado-Jurkiewicz

Nilsa Rosado-Jurkiewicz
Workers Compensation/Safety Manager



CS-58
r. 04.07.17

REPORT ON PROBATIONARY SERVICE

Board of City Service Commissioners

DER REPORT NO.

INSTRUCTIONS: Complete this form and return the original to the Department of Employee Relations – Certification Section before the end of the probationary period. Refer to Civil Service Rule VIII, Section 8 – Probationary Periods.

Copy to:

- Employee
- Department

1. Employee's Name (First, MI, Last) Alexander Fischer		2. Employee ID 034840													
3. Job Title Paralegal		4. Department/Division DER/WC													
5. Appointment Date 3/3/21		6. Date Probationary Period Ends 9/1/21 extended to 9/14/21 adm													
7a. Complete First Review by: NRJ		8a. Complete Second Review by: NRJ													
7b. Enter Factor Rating: (O, EJR, MJR, BJR, U)		8b. Enter Factor Rating: (O, EJR, MJR, BJR, U)													
PRODUCTIVITY <u>BJR</u> KNOWLEDGE <u>BJR</u> INITIATIVE <u>BJR</u> DEPENDABILITY <u>BJR</u> INTERPERSONAL RELATIONSHIPS <u>EJR</u> 7c. Supervisor's Comments: Alec is unfamiliar w/ both wc law and paralegal activities. He is still in the learning curve had has not yet met the job requirements. Attention to detail, deadlines and reliability remain a challenge.		PRODUCTIVITY _____ KNOWLEDGE _____ INITIATIVE _____ DEPENDABILITY _____ INTERPERSONAL RELATIONSHIPS _____ 8c. Supervisor's Comments:													
7d. Employee's Initials/Date		9d. Employee's Initials/Date													
Listed below are the factors on which you are to evaluate the employee. Next to each factor are examples that describe performance at the MEETS JOB REQUIREMENTS level. These are provided as reference points for evaluating performance. Indicate your rating for each factor by entering the appropriate letters (O, EJR, MJR, BJR, U) in the boxes in items 7b through 9b. If you have not observed how this person performed on a given factor, or if the factor is not relevant to the position which you are rating, enter "NO" (NOT OBSERVED). Comments should be recorded in the boxes in items 7c through 9c for any factors that are rated BELOW JOB REQUIREMENTS OR UNSATISFACTORY . Attach additional page(s) as necessary.															
O = OUTSTANDING EJR = EXCEEDS JOB REQUIREMENTS MJR = MEETS JOB REQUIREMENTS BJR = BELOW JOB REQUIREMENTS U = UNSATISFACTORY															
<table border="1"> <thead> <tr> <th>Factor</th> <th>"MEETS JOB REQUIREMENTS" Standards and Expectations</th> </tr> </thead> <tbody> <tr> <td>A. PRODUCTIVITY</td> <td> <ul style="list-style-type: none"> Manages own time and uses appropriate work methods, techniques, and equipment to achieve the most effective and efficient result in the time available. Demonstrates skill and proficiency in carrying out assignments. Work product is accurate, thorough and effective, and meets quality standards. Work output matches expectations within established timelines. </td> </tr> <tr> <td>B. KNOWLEDGE</td> <td> <ul style="list-style-type: none"> Understands the needs and requirements of the job and applies skills and knowledge to perform the job competently. Understands the purposes, objectives, practices and procedures of the department. Demonstrates understanding of job procedures, methods, facts, and information related to assigned work. </td> </tr> <tr> <td>C. INITIATIVE</td> <td> <ul style="list-style-type: none"> Plans, organizes and prioritizes workload with little or no assistance. Offers suggestions on improving work methods and procedures. Willingly accepts suggestions for improvement and occasionally seeks counsel on performance and work habits. Accepts additional challenges and responsibilities, and adapts to changes. </td> </tr> <tr> <td>D. DEPENDABILITY</td> <td> <ul style="list-style-type: none"> Accepts responsibility for completing assignments and meeting deadlines. Reliably completes assignments on time with minimal follow-up from supervisor. Consistently punctual and regular in attendance and follows policy when requesting and reporting time off. Practices workplace safety rules and procedures on a consistent basis. </td> </tr> <tr> <td>E. INTERPERSONAL RELATIONSHIPS</td> <td> <ul style="list-style-type: none"> Establishes and maintains effective and productive working relationships with peers. Works cooperatively with supervisor(s) and as part of a team. Builds and maintains customer satisfaction by responding to the needs of internal and external customers. Readily accepts and applies constructive feedback to improve job performance. </td> </tr> </tbody> </table>				Factor	"MEETS JOB REQUIREMENTS" Standards and Expectations	A. PRODUCTIVITY	<ul style="list-style-type: none"> Manages own time and uses appropriate work methods, techniques, and equipment to achieve the most effective and efficient result in the time available. Demonstrates skill and proficiency in carrying out assignments. Work product is accurate, thorough and effective, and meets quality standards. Work output matches expectations within established timelines. 	B. KNOWLEDGE	<ul style="list-style-type: none"> Understands the needs and requirements of the job and applies skills and knowledge to perform the job competently. Understands the purposes, objectives, practices and procedures of the department. Demonstrates understanding of job procedures, methods, facts, and information related to assigned work. 	C. INITIATIVE	<ul style="list-style-type: none"> Plans, organizes and prioritizes workload with little or no assistance. Offers suggestions on improving work methods and procedures. Willingly accepts suggestions for improvement and occasionally seeks counsel on performance and work habits. Accepts additional challenges and responsibilities, and adapts to changes. 	D. DEPENDABILITY	<ul style="list-style-type: none"> Accepts responsibility for completing assignments and meeting deadlines. Reliably completes assignments on time with minimal follow-up from supervisor. Consistently punctual and regular in attendance and follows policy when requesting and reporting time off. Practices workplace safety rules and procedures on a consistent basis. 	E. INTERPERSONAL RELATIONSHIPS	<ul style="list-style-type: none"> Establishes and maintains effective and productive working relationships with peers. Works cooperatively with supervisor(s) and as part of a team. Builds and maintains customer satisfaction by responding to the needs of internal and external customers. Readily accepts and applies constructive feedback to improve job performance.
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10. In view of the performance of the employee rated above:															
<input type="checkbox"/> I certify that the employee's service has been satisfactory and that the appointment should become regular.															
<input type="checkbox"/> I am terminating the employee's appointment before the completion of the probationary period effective _____. [Termination Notice form CS-80 must be received in DER with this form.]															
<input checked="" type="checkbox"/> I recommend that the probationary period be extended for <u>6</u> months. The employee has been notified of this request and has been counseled regarding improvement needed. [This requires City Service Commission action. The Commission does not grant extensions for City Laborers. Send this request to the Employee Relations Director at least 30 days prior to the end of the probationary period.]															

SUPERVISOR (PRINT NAME) Nilsa Rosado-Jurkiewicz	SIGNATURE 	Title Worker's Comp/Safety Manager	DATE 9/8/21
DEPARTMENT HEAD (PRINT NAME) Makda Fessahaye	SIGNATURE	TITLE DER Director	DATE

REPORT ON PROBATIONARY SERVICE INSTRUCTIONS FOR SUPERVISORS/MANAGERS

Rule VIII, Section 8 of the Rules of the City Service Commission requires that a person appointed to a position or transferred to a different department or division or reinstated to a different department or division successfully complete a probationary period. The length of the probationary period is generally six months of actual service for positions classified as non-exempt from FLSA or twelve months of actual service for positions classified as exempt from FLSA with the exceptions of those positions designated in the Rule.

the evaluation was reviewed, not that there is implicit agreement with the evaluation.

Other documentation to show a record of on-going discussions with the employee may be attached to the form.

As part of the final evaluation session, you must indicate whether you recommend the employee for retention or if other action is warranted.

Ratings

OUTSTANDING– Performance at this level is superior. Performance always exceeds standard and expectations of the position.

EXCEEDS JOB REQUIREMENTS– Performance consistently exceeds all of the standards and expectations of the position. The employee is performing at a level well beyond what is normally expected.

MEETS JOB REQUIREMENTS – Performance consistently meets the standards and expectations of the position.

BELOW JOB REQUIREMENTS– Performance on the job is inadequate and does not consistently meet the standards and expectations of the position. To reach the standard required of a competent permanent employee by the end of the probationary period, greater effort and/or training will be needed.

UNSATISFACTORY– Performance on the job is unacceptable and demonstrates an inability or unwillingness to meet standards and expectations of the position. Special training, reassignment, or termination may be advisable.

Note: any rating of "BJR" or "U" must be substantiated by a written statement.

Extension of Probationary Period

Under certain circumstances, the City Service Commission may extend a probationary period. To request an extension you must submit the request directly to the Employee Relations Director with a letter that explains your reason(s) for the request and a description of the plan to address those concerns. Also include a copy of an Employee Performance Improvement Plan or other documentation to support your request. Your request must be made at least 30 days prior to the end of the probationary period.

Termination During Probation

Granting permanent status to a poor performer can create a negative workplace environment and be very time consuming for the manager. If an employee is not successful on the job, you do not have to wait until the end of their probation period to terminate their employment; you do have to show that you have provided the employee with the information, training and support they need to be successful. Termination may occur at any time during the employee's probationary period. A copy of the Termination Notice, form CS-80 with a full statement of the reasons for termination must be filed with DER within three days of the termination.

Processing

A regularly appointed City employee does not gain permanent civil service status and the rights associated with that status until they pass probation. Supervisors are responsible for welcoming and training probationary employees and for assessing their performance during the probationary period. Performance assessments shall be documented on the Probationary Service Report, Form CS-58, on a quarterly basis.

The probationary period starts the date the employee is appointed. During the employee's first week of employment, provide a copy of the job description and probationary report form; discuss the performance factors that he/she will be evaluated on; and provide a timeline of when the formal evaluations will be completed. Formal evaluations should occur periodically throughout the probation period, with a final meeting just prior to the end of the probation. (e.g. formal meetings should be held after three months of the employee's service during a six-month probation period; and at approximately four and eight months of service during a twelve month probation). The purpose of the meetings are (1) to evaluate performance; (2) to provide feedback by developing specific plans to enhance performance levels or to correct deficiencies; and (3) to recommend for/against retention of the employee. Formal evaluations are in addition to the frequent informal feedback necessary for successful management of the probationary period.

Evaluation

The probationary period performance ratings must take into consideration that the employee being rated is new to the job. The performance levels of the new employee during the probationary period must not be compared with those of experienced employees. Instead, the examples of satisfactory performance levels on the front of the form should be benchmarks to evaluate job performance.

Procedure

Study the instructions and behavioral examples for the performance factors. Prepare for the evaluations by obtaining documentation such as informal notes, input from other supervisors, or productivity numbers.

During each formal evaluation, rate the employee in terms of their demonstrated performance. Discuss the performance with the employee and provide feedback and suggestions about performance improvement, where needed. Allow the employee to ask questions and assure that he/she understands the requirements for successful performance.

At the end of each evaluation session the employee must initial the line on the form to indicate that you have discussed the performance and expectations (item numbers 7c-9c). The initialing indicates that

After the final evaluation session, distribute the completed and signed form as indicated at the top of the form.

Questions? Contact your department's Human Resources Office or the Department of Employee Relations on 414.286.3394.

DEPARTMENT OF EMPLOYEE RELATIONS

Employee Job Performance Improvement Plan

Employee Name: Alexander Fischer

Job Title: Paralegal

Supervisor: Nilsa Rosado-Jurkiewicz Review Period: From 3/3/21 To 8/20/21 & 8/31/21

Date of Meeting: 8/20/21 Follow-up Date: 10/20/21

MAJOR OBJECTIVE	DESIRED PERFORMANCE	CURRENT PERFORMANCE	ACTION PLAN
Productivity:	<ul style="list-style-type: none"> Manages own time and uses appropriate work methods, techniques to achieve the most effective and efficient result in time available Demonstrates skill and proficiency in carrying out assignments Work Product is accurate, thorough and effective and meets quality standards Work output matches expectations within established timelines 	<p>He will now have personal responsibility for his job assignments and the docket for all of the litigation activity recently assigned to him. The output and coordination of tasks, monitoring of filing deadlines is critical and our mgmt. team will support him in this process. Currently the files are demanding in litigation calendar and in he is in transition some tasks adjustments will be required. In job tasks that Alec routinely completes, it is apparent that he takes personal pride in the work product of the few claim file activities he is assigned. Effective 8/16/21 he was assigned an additional 34 files to manage. We need to affirm that he can manage this case load. This will require an ongoing review of the work output level. This will be monitored in the next 6 months. While working from home, his productivity level is difficult to gauge. Alec needs to set a higher level of urgency with his job assignments. Unless approved in</p>	<p>Additional training and guidance with an expectation to meet these performance measures.</p> <p>Until recently Alec had a litigation case load of approx. 6-8 litigation files and was training on specific tasks including administrative business operations and navigating the City's WC multiple claims management systems. He has been working w/ the Specialist in uploading pre-employment records onto our data systems. Up to a approx. 2 wks. ago there was a backlog of over 500 new hire uploads. In preparation for the assignment of 34 files he worked aggressively in addressing the backlog. Some tasks (EMPLY ID info) will need to be updated to finalize and to complete this process. These need to be maintained on an ongoing basis.</p>

		advance, Alec will be working from the office	
Knowledge	<ul style="list-style-type: none"> • Understands the needs and the requirements of the job and applies skills and knowledge to perform the job competently • Understands purpose , objectives, practices and procedures of the department • Demonstrates understanding of job procedures, methods, facts and information related to job assigned work 	<p>Alec came to the job with no paralegal knowledge base and with limited worker's compensation knowledge, in the six mo. he has made great strides to address this. He has made it a point to research and understand DWD 102 and its complexities with the variations that apply. He is continually seeking new knowledge and resources to support the litigation process. He is valuable and instrumental in the legal analysis of the DWD proposed PTSD law changes. However, is still learning both the paralegal duties and the nuances of the worker's comp law and has not yet reached this level of proficiency required for the job.</p>	<p>Additional training and coaching to develop a better understanding of the nuances in litigation. The leadership will strive to set aside significant time daily dedicated to training and developing the paralegal position and w/c legal defense strategies in relationship to the job responsibilities and expectations.</p>
Initiative	<ul style="list-style-type: none"> • Plans, organizes and prioritizes workload with little or no assistance. • Offers suggestions on improving work methods and procedures • Willingly accepts suggestions for improvement and seeks counsel on performance and work habits • Accepts Additional challenges and responsibilities, adapts to changes 	<p>Alec is still in the learning curve and recently assigned 34 files. A baseline is being established to determine what his organizational abilities are. Of note, Alec is always looking and recommending appropriate options to review on the work tools, work flow process improvements and efficiencies that can enhance the litigation process in the response to claims made against the City of Milwaukee. He is open and willing to suggestions, improvements and remains flexible. His problem solving and</p>	<p>Additional training and coaching In which the focus is on refining and creating workflows and tools that will assist him in managing the litigation process (cheat sheets, task lists, calendar, f/u on open items, etc.) He needs to be proactive in notetaking and become adept in multitasking. Especially when this role is required to address competing priorities with deadline requirement. This may help establish an effective and meaningful f/u system which will cultivate self-reliance.</p>

		self-reliance will improve with training and training notetaking.	
Dependability	<ul style="list-style-type: none"> • Accepts responsibility for completing assignments and meeting deadlines • Reliability completes assignments on time with minimal follow up from supervisor • Consistently punctual and regular in attendance and follows policy when requesting and reporting time off • Practices workplace safety rules and procedures on a consistent basis. 	<p>When a task or an assignment is given, he takes personal responsibility and follow-up. He remains in the learning curve and still requires supervision on the tasks assigned. Any impediments are discussed and he routinely discusses how workflows need to be adjusted. Recently, concerned about his punctuality and attendance and his understanding of the reporting requirements when leaving the workplace during supervisor's absence - in spite of clear instruction questions his reliability. Additionally, his time management skills may need some support. He is otherwise eagerly willing support the litigation process</p>	<p>We can adjust start time to address punctuality and can revisit time off requests protocols. We can establish clear expectations on time lines for completion of job assignments and ongoing updates.</p> <p>Attendance an punctually remains an area of concern. After the initial 8/20/21 discussion re: PIP Alec called in "not feeling well" the next business day.</p>
Interpersonal Relationships	<ul style="list-style-type: none"> • Establishes and maintains effective and productive working relationships w/ peers. • Works cooperative with supervisor and as part of a team. • Builds and maintains customer satisfaction by responding to the needs of internal and external customers • Readily accepts and applies constructive feedback to improve job performance. 	<p>Alec is exceptional is this area. He is well regarded and respected. He works well as part of a team and has the ability to create strong relationships with both internal and external customers. Litigation is controversial in nature, yet during the transition and he is working diligently in keeping his frustration at bay with the constant changes in our process. He is always willing to pitch in at a moment's notice at any level of actively and works cooperatively in all aspects of claims management.</p>	<p>Excellent, Alex exceeds expectations in most of this area.</p> <p>He is open to feedback and is willing to engage in an interactive process.</p>
Goals	✓ Continue training to develop his paralegal and litigation		

	<p>✓ Potential Goals for 2021/2022</p> <ul style="list-style-type: none"> - Prepare letters for review and response by independent medical examiners in defense of litigate files <p>Attend hearings and pre-hearing and learn the inner workings of that process</p> <p><input type="checkbox"/> Prepare litigation files for presentation to Office of City Attorney</p>		
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Supervisor's Comments: At this time it is recommended to extend Alec's probationary period for 6 months to prepare him for the full scope of his job responsibilities as a paralegal handling litigation files for the City of Milwaukee. His probationary period will be extended until 3/3/22.

Employee's Comments: I largely enjoy working in DER and worker's compensation. Take some issue with reliability concerns mentioned within, and these concerns have been discussed with manager at length. However, largely feel welcomed and a part of the team. Look forward to continuing growth, learning, and knowledge. I agree I am still learning. Not sure of probation's extension, but will defer to manager

Signature of Supervisor:  Date: 9/1/2021

Signature of Employee:  Date: 8/27/21