

SAFE-D Conference 2025

*People Problems
in the Workplace*

Who I am

- **Understand your world?**
- **Background in:**
 - **Law**
 - **Emergency services and public entities**
 - **Risk management and insurance**
 - **Facilitating conversations – conflict resolution**
 - **Investigation training**
 - **Athletics organizations**

Fire Service and Athletics Parallels



I am not

- **Your ESD's:**
 - **Employee**
 - **Volunteer**
 - **Legal counsel (internal or external)**
- **Resident of your community**
- **Governmental agencies**
- **No conflict of interest**

Speaker

- **Contact after the session or later**

Mike McCall

Cell: (214) 415-8121

mccall@protectionforall.net

Lost in life but twice

- **Once when I lost a lawsuit,**
- **and once when I won one.**
- **Internal investigation?**
- **3rd party investigation?**
- **Been deposed?**
- **On witness stand in jury trial?**
- **Money?**
- **Time – day-to-day & big issues?**
- **Court of public opinion?**



75% - after a problem

- **Don't be part of the 75%**
- **Reactive versus proactive**
- **B1G school – 24 internal investigations in 4 years**
- **NC Fire Department – 7 year employee; needs to be fired; fears will sue**
- **\$740,000 – third-party investigation**
- **Relative – small ESD \$35,000**

No finding of violation

- Not finding a substantiated violation of any University rule.
- But the issues here are **less about particular University rules** and more about how this situation, including the treatment of its student-athletes, **was able to continue unaddressed**;

Training and Ongoing Communication

- That is, how a situation that seemingly could have been remedied in part **through training and better communication continued for an extended period of time;**

Consequences

- And ultimately **spiraled into a public issue** for numerous student-athletes, their parents, and multiple University officials.

Pastor – Everything Right as a Parent

- **You've got to do everything right as a parent.**
- **We can do everything right as parents and our kid still may mess up.**
- **True.**
- **But if you don't do everything you can, your kid doesn't have a chance.**

Goals of Today's Session

- **Leading into the future – people problems**
- **EPL and interpersonal working relationships**
 - **Human beings – under construction**
 - **How gauge and maintain culture?**
 - **Training and ongoing communications**

EPL Exposures

- **Discrimination**
- **Hostile environment harassment**
 - Sexual and other legally protected grounds
- **Wrongful termination/discharge (about?)**
 - Constructive termination/discharge
- **Retaliation**
- **Negligent hiring/retention/supervision**
- **Failure to hire/select/promote**
- **Wrongful demotion**
- **Allegation = Claim**

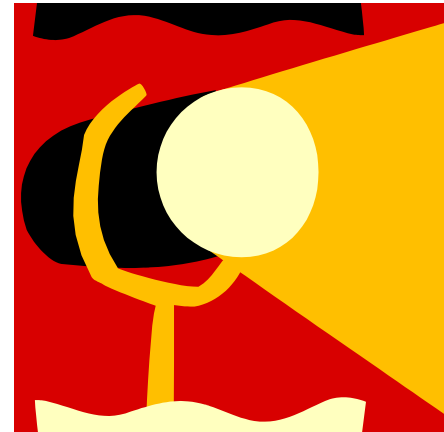


Fire Service Realities

- **Intentional misconduct**
 - People subjected to misconduct
 - Offender on notice – deterred
- **Correct unintentional risky behavior**
 - Many cases – not intending to offend; not directed at one individual
- **False, exaggerated or misperceived allegations**
 - Personal and professional reputation

Leading and Managing People

- **Never more difficult than today.**
- **Agree?**
- **In what ways?**



Generational Differences

- **What** generation?
- **Why** generation?
- **How** communicate?
- **Stare and scroll – zombies**
- **Subordinates “choosing” not to have the difficult conversation.**
- **Or don’t know how?**
- **How impact interpersonal working relationship skills? Conflict resolution?**

**Uniqueness of Emergency
Services Organizations:
*Personnel Problems and
Litigation Exposures***

How is the fire service work environment so different?

- **24 or 48 hours – nowhere to escape**
- **Trust and dependency**
- **Shared trauma**
- **Paramilitary chain of command; type A**
- **Keep it light, but utmost accountability**
- **Expectation? Lenses – how viewed**
 - **Heroes**
 - **Non-biased and non-discriminatory**

Under the Microscope

- **Watchdog groups**
- **Looking at Emergency Services Organization (ESO) professionals' social media sites**
- **What are they looking for?**



Frying Pan to the Face

- **Hit me how you're different**
- **New employees – switch jobs 20 times over career**
- **20 year employee – over the top**
- **4 year employee wanted behavior to stop; not terminated**
- **How feel about the Complainant?**

Bowling Alley Lately?

- Life saving business
- How difficult is it?
- Bumpers
- Nuance
- 1-10 range – banter
- Thought in 5-6 range
- Comment was received as a 10
- Fallout

Agency Law Principle

Greatest Risk

- All supervisors acting as agents on behalf of your ESD.
- Supervisor on notice.
- Supervisor is under an obligation to take appropriate action.
- Actions or failure to act.....
- Buddy to boss
- Be the bumpers



Where We Are Today

- **Division and polarization**
- **Anita Hill and the #MeToo movement**
- **U.S. Supreme Court; various jurisdictions**
- **Presidential administration changes; EEOC Guidance**
- **Dismantling of DEI (Diversity, equity and inclusion)**

Navigating Choppy Waters

- **Not quota programs (higher education admittance; hiring; promotions)**
 - **Not granting “special rights” or preference**
- **I’ll quit before pronouns or call – transgender employee**
- **High school – multiple professions introduced**
- **“DEI hire”**
- **SFA University – Axe Hate**
- **Cutting remarks – LGBTQ**
- **“Be more empathetic”**

How Deep Is The Mud?

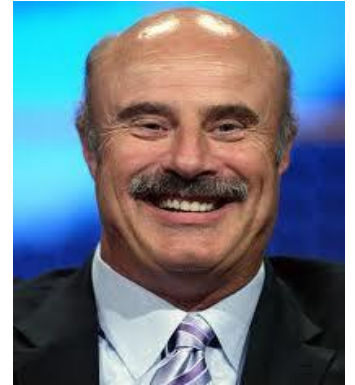
- **How big are these problems?**
- **It depends on who you ask.**
- **Not a problem until it's your problem.**
- **Not forced assimilation**



Challenge Ourselves To Be Open

- Too often we seek out opinions that make us feel good, as opposed to listening to things that make us think hard.
- Is my mind made up before I hear the other side?
- Goal today is not to change your mind, stance or viewpoints.
- An objective is to have us all be more open to listen to the other side, consider opposing perspectives, stand in the shoes of others (empathy), and look for our own blind spots.

Part-time Dr. Phil



- **PEOPLE PROBLEM business!**
 - *“We are like family”*
- **Personal vs. work relationships**
- **Interpersonal relationships are difficult**
- **Should we be surprised that interpersonal relationship problems lead to lawsuits?**
 - **Wrongful termination lawsuits – about....**

“People Problem” Business - EPL

- **Two people of sound mind & good faith intention can work anything out.**
- **Waymakers**

Unlawful vs. Lack of Civility

- **Not sterilize your unique environment**
 - Purpose of harassment and discrimination law is **not to create a general civility code**



Beyond Unlawful – Two Roads

- **EEOC – two roads lead to the same place**
- **Uncivil = “Bulldozer”**
- **Abrasive, toxic, negative, problem maker**
- **Can be just as harmful as unlawful**
- **Escalates or sends a message (it’s ok)**

Why Allowed?

- Gets results
- Who wants to confront the “Bulldozer”?
- _____ will never change.
 - Example: “That’s just who he is.”

50% of Time – Interpersonal Working Relationships

- **“Hard skills” vs. “soft skills”**
- **Discrimination and harassment or interpersonal working relationship problems?**
- **Internal response processes**
 - **Investigate workplace wrongdoing (harassment/discrimination)**
 - **Other personnel relations problems and conflict**

5% Workforce – 95% of Challenges

- **Difficult; disgruntled; doesn't fit in; or is a problem employee**
- **How hold an employee accountable and maintain discipline when everything is perceived as “targeting, harassment, hostile environment, or retaliation”?**
- **Risk managers – who is your 5%?**
- **Non-disciplinary and non-punitive communications**

Misperceptions About “Soft Skills”

- *“As long as I do my job, I can not be disciplined or terminated.”*
- **Soft skills just as important as hard skills**

Success is Communicating

- **Triangular communication**
- **Two dogs on opposite sides of the fence; Bentley**
- **48 years in AA**
- **Work the program**
 - **Coaching/counseling – non-disciplinary**
 - **Ongoing communications – document**
 - **Intervention analogy**
 - **Dad to Terry – Tell me what I can do to get you to behave.**

Target On My Chest

- **Paul Combs cartoon**
 - **Firefighter with a target on chest**
 - **Fill in the blank for caption**
- **Embrace the target**
- **Body cam**
- **“Coach doesn’t like me”**
 - **What is your advice?**

Champion

- **I will be your Champion**
- **What does being a Champion mean to you?**
- **Supporter, advocate, and protector**
- **Empathy**
- **Lead – show the way**
- **Lift you up in every way**

Be Your Champion

- **“Lay down your arms”**
- **Not cancel each other out**
- **Civility**
- **Professionalism**
- **Not forced assimilation**
- **Feelings are facts**

Champion Conversations

- **Ideas for how to better communicate**
- **Willingness to engage in constructive conversation**
- **Give opportunity to be heard**
- **Feelings are facts (real or perceived)**
- **What “3 things” we need from each other (primarily soft skills)**
 - **What “3 things” we can’t have**

Two Questions – Now Communicating

- 1. What are you really wanting to say, but you're too afraid to say it?**
- 2. What are you really wanting to ask, but you're too afraid to ask it?**

Policies vs. Practices

- **Practices**
 - **Training**
 - **Non-disciplinary coaching & counseling (documented)**
 - **Performance management/evaluations**
- **Determining discipline and terminations**
- **Investigations (internal or 3rd party)**
 - **Behind the curtain?**
- **Exit interviews**

Speaker

- **Contact after the session or later**

Mike McCall

Cell: (214) 415-8121

mccall@protectionforall.net