

March 2026 Statewide HR Policy Forum – Performance Management and the Bargaining Process

March 2026



Housekeeping

Wi-Fi – Connect to the CalHR Guest

Restrooms – Near the Elevators

Forum length – 3 hours

Today's Agenda

- Past Forum Highlights
- Presentation: What Performance Management Is (and Is Not)
- Presentation: Understanding the State Personnel Board's (SPB's) Perspective on Discipline
- Groups' Breakout Question
- Two Case Studies
- Break
- Groups' Breakout Discussion
- Wrap Up and Next Steps
- Final Presentation: Bargaining Process
- Groups' Breakout Discussion – Friday Afternoon
- Group Discussion and Close Out

Overview of 2026 Policy Forum Topics



Mar. 10 – 12,
2026

**“Performance Management” and the
“Bargaining Process”**



May 12 – 14,
2026

**Training and Learning Sessions for the Top
Three Policies**



Aug. 18 – 20,
2026

**Exams, MQ, Allocation Guidelines, CEA, and
Exempt Packages**

Dec 2025 Forum Discussion Group Highlights

What's Working for Departments

- Employee Development Programs
- Collaboration within Organizations
- Conducting Employee Input/Surveys
- Using KPIs and Success Criteria
- Leveraging Workforce Data (EEO, Retention,...)
- Clear guidance and conversation prompts to measure training impact
- Reinforcing training and on-the-job application through manager involvement and structured follow ups.

Departmental Challenges

- Securing consistent Exec & Leadership Support
- Inadequate Staffing and Resources
- Accessing / Analyzing Data Effectively
- Time & Budget Constraints for training
- Inconsistent Reinforcement of classroom learning

Recommendations

- Build OD library of tools that show how OD can increase productivity, effectiveness, & efficiency
- Offer tools to sustain learning outcomes after training
- Instill learning transfer as a cultural norm

Reframing Progressive Discipline: A Practical Approach to Performance Management

Sally Ly

*Deputy Secretary – Workforce Development
California Government Operations Agency*

Why It Feels Hard

Uncertainty

**Competing
Guidance**

**Fear of
Unintended
Consequences**

**Desire to Do
Right**

Debunking the Myths Around Progressive Discipline

- Myth: Discipline never works
- Myth: Discipline takes years
- Myth: Every action requires progressive discipline
- Myth: SPB won't sustain actions
- Myth: SPB won't allow discipline for poor performance
- Myth: It is impossible to terminate a state worker

What Discipline Really Means

- Disciplina = To Teach
- Structured guidance, not punishment

The Goal



TIMELY



PROPORTIONAL



FOCUSED ON
IMPROVEMENT

From Myths to Meaningful Action



CalHR Training: Fundamentals



SPB Legal Lens



Group Discussion

A Supervisor's Guide to Evaluating Performance

Xaviera Isler,
Personnel Program Advisor
Personnel Management Division

What is the purpose of Progressive Discipline?

- Manayao SPB Dec. No.: 93-14

An opportunity to **learn** from prior mistakes and take **steps to improve** performance prior to the imposition of harsh discipline.

What is Performance Management?

- Preventative Phase
- Corrective Phase
- Formal Adverse Action Phase

Preventative Phase



**RECRUITMENT AND
HIRING**



SUPERVISORY DROP FILE



EXPECTATIONS MEMO

Preventative Phase Summary



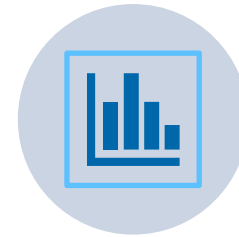
**PLAN- SET
EXPECTATIONS**



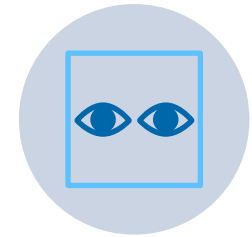
OBSERVE



STRATEGIZE

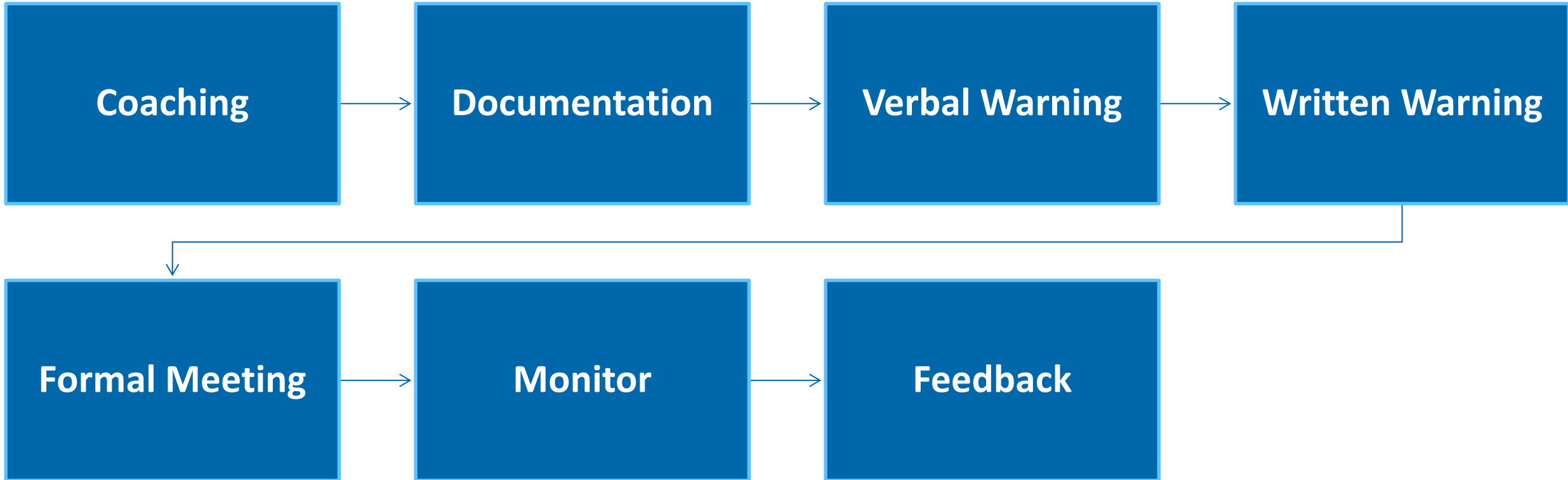


EVALUATE



RECOGNIZE

Corrective Phase



Formal Adverse Action Phase

Process state departments follow

- To reprimand, suspend, demote, or terminate a permanent employee

Exception to Progressive Discipline

- Misconduct that is egregious- theft, dishonesty, threats of violence



Mentimeter Activity



Understanding the State Personnel Board's (SPB's) Perspective on Discipline

Alvin Gittisriboongul
Chief Counsel
State Personnel Board



How Cultural Myths Have Reinforced the Belief that Discipline is Futile

- Myth: SPB won't sustain actions
- Myth: Disciplinary actions take too long
- Myth: Extensive Progressive Discipline is needed for all cases
- Myth: SPB won't allow discipline for poor performance

When to Start Considering Rejection or Discipline

- Discipline may not be easy, but it can be necessary for office morale
- Performance vs. Conduct
- When Progressive Discipline is especially important

What Happens in a Disciplinary Hearing Before the SPB

- Due Process before the SPB
- Know the charges in the Notice of Adverse Action (NOAA)
- Have admissible evidence to prove each charge in the NOAA
- Performance v. Conduct based discipline
- Be able to disprove affirmative defenses



Mentimeter Activity



Practical Perspective: Two Case Studies

Alvin Gittisriboongul
Chief Counsel
State Personnel Board



Practical Perspective

- Analyzing Real-Life Case Studies
- Highlighting Key Considerations in these scenarios
- What gets sustained and what gets revoked



Mentimeter Activity



Break



Small Groups Breakout Session:

Performance Management

Breakout Session Guide

Objective: To foster collaborative discussion among Department Leaders on Performance Management

Activity: 20-minute breakout session, 2 questions

- 8 mins to answer both questions at your table– **see handouts**
- Rotate as a group to each other table on the same side of the room and review their responses
- Report out – Table spokesperson shares top 3 answers

Reminders: One idea per post-it, individually add a sticker to ideas you agree with at other tables

Facilitators will be circling during the breakout session

Breakout Session Report Out

1. What actions can supervisors take independently, without needing HR approval?
2. In which areas do supervisors feel the least confident or hesitate most when addressing performance issues?
3. What types of training, resources, or language would reduce fear, build confidence, and prevent delays in addressing performance issues?
4. What recurring questions do supervisors ask, and what do leaders want supervisors to feel empowered to do?

Wrap-Up

- Key takeaways
- What success looks like
- Potential next steps
- Supervisor feedback
- Alignment across materials/guidance

The Bargaining Process

Paul M. Starkey,
Deputy Director of Labor Relations
CalHR

Session Overview

- Bargaining process basics
- Breakout scenario
- The least you need to know

State Bargaining Process

- The Dills Act
- Concept: exclusive representative
- Concept: early dispute resolution

The Scope of Bargaining

- Understanding what is “on the table”
- Concepts: mandatory, permissive, illegal

CalHR and Department Roles in Bargaining

- Understanding the separate but related roles of the management team
- Concept: duty to bargain in good faith
- Concept: “decision” versus “impact” bargaining

The Bargaining Process

- Understanding key dates in the bargaining cycle
- Concepts: the Harvest Memo; “sunshine”
- Concepts: May Revise; tentative agreements (TA’s); ratification



Mentimeter Activity

The Bargaining Process



Breakout Scenario:

“Friday Afternoon”

Management's Role During Bargaining

- Understanding the “least you need to know”
- Concept: “neutrality”
- Concept: “lawful concerted activity”

Please take a moment to
complete a short survey.

Your feedback fuels
improvement.

Thank You!



<https://www.surveymonkey.com/r/7NXCX83>

