

Approved 10/11/83
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on March 1, 1983 in room 519-S of the Capitol.

All members were present ~~except~~ XXXX.

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Larry Mossman, Trooper, Kansas Highway Patrol
Rep. Larry Erne
Col. David Hornbaker, Kansas Highway Patrol
Jerry Johnson, Trooper, Kansas Highway Patrol
Mr. Robert Tyson, retired

Chairman Crowell called the meeting to order and announced the first order of business for the day would be a hearing on HB 2463. The Chairman recognized Rep. Erne. Rep. Erne briefed the committee on HB 2463 dealing with prohibiting the use of "quotas" by the Highway Patrol. Rep. Erne explained to the committee that he felt the requirements were unfair to the troopers and the community in that it required troopers to write tickets that they would not normally write. (See attachment 1 and memos). Rep. Erne added that the practices mentioned did not appear to be statewide but were occurring in Divisions 2, 5 and 9.

The Chairman opened the meeting to committee questions. Rep. Shelor commented this problem came up a few years ago and asked Rep. Erne what has happened that it has reoccurred. Rep. Erne explained that when the matter was brought up several years ago, Col. Rush (now retired) had a meeting and the policy was terminated.

Chairman Crowell introduced Trooper Larry Mossman, 5th Division, who presented testimony before the committee in favor of HB 2463. (See attachment 2). Trooper Mossman began testimony by listing factors taken into consideration in reaching required levels of productivity. Trooper Mossman asked the question, "How can supervisors set standards that offer each Trooper the same potential for producing?" Trooper Mossman stated that in dealing with productivity it is necessary to take into consideration such things as traffic, weather, time, public trust, and personnel needs. Trooper Mossman stressed the fact that use of quotas was placing the Troopers in a situation where their judgment may be influenced in trying to attain the required levels of productivity.

Trooper Mossman cited an example to indicate how difficult it could be to catch up once a trooper gets behind on his requirements. In January, 1983, he was current with his productivity requirements. February arrived and with it, a snowstorm, creating bad roads and no speeders (productivity requirements are 3 radar arrests for 7 hours of work). On February 15, he was 25 radar arrests in arrears. Trooper Mossman concluded testimony by stating that evaluating individuals who enforce the law is difficult. It is hard to put a handle on this work because there are not many tangibles. The numbers represent tangible measurement and make a supervisor's job easier, however, they do not provide objective answers to the question of establishing the Trooper's worth or the effectiveness of the Highway Patrol.

The Chairman opened the meeting to committee questions. Rep. B. Fuller asked Trooper Mossman if he was speaking as an individual or as a representative of the Trooper's Association. Trooper Mossman replied that while these thoughts are not foreign to him as an individual, he was speaking on behalf of the troopers.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
 room 519-S, Statehouse, at 1:30 ~~xxx~~/p.m. on March 1, 1983

Rep. Adam asked if coupling "quotas" with merit pay would enable greater pay for a trooper of less tenure. Trooper Mossman said yes and explained the system for pay increases.

Rep. Johnson asked whether Trooper Mossman had made his feelings known to his superiors, whether it was stated in writing, whether his feelings were made known to the Colonel (Hornbaker) and whether the Colonel replied. Trooper Mossman replied yes to all questions.

Rep. David Webb asked Trooper Mossman to explain a previous statement in regard to making 78 radar arrests. Trooper Mossman replied that what he meant was he had 78 radar arrests to make up between 12/2/82 and 12/31/82, not 78 for the year.

Rep. David Webb asked whether Trooper Mossman had any objections to some type of structure for production measurement. Trooper Mossman replied that he did not like the feeling of being behind.

Rep. Knopp explained to Trooper Mossman that he did not feel he was indicating he wanted to completely do away with the objective basis for evaluation of performance. Trooper Mossman responded that he would like to get away from the number evaluations because once you have those numbers, everything else relates to it. Rep. Knopp asked if doing away with the numbers would open it up for favoritism. Trooper Mossman responded that it was not difficult for them to monitor a trooper's daily work.

Rep. Wilbert asked Trooper Mossman if he knew of any other states with this type of system. Trooper Mossman replied that he was not aware of the procedures used by other states.

Chairman Crowell asked several questions regarding current and past evaluation forms used. The Chairman asked if quotas make an evaluation more objective and isn't an objective evaluation preferable. Trooper Mossman responded that quotas are not necessarily more objective because there may be bad arrests to meet quotas.

Rep. Crowell asked if there was anything in the evaluation to indicate a lack of accidents in the troopers operating area, and isn't safety the bottom line. Trooper Mossman responded that deterrence was the bottom line.

Chairman Crowell asked if theoretically a person could make bad arrests knowing full well that they would not hold up in court if contested. Trooper Mossman replied that the conviction rate on misdemeanors is not a good test. Also, Trooper Mossman said, they are encouraged to promote safety and he had not meant to indicate otherwise.

Chairman Crowell asked realistically how hard are the quotas to meet. Trooper Mossman stated it depended on several factors, such as weather, time, and traffic.

Chairman Crowell asked if there were a lot of people with less time making more money than more experienced troopers as a result of implementing merit pay. Trooper Mossman responded that at this time, that was not the case because merit pay has not been in effect long enough for that to happen. Chairman Crowell asked if it would be better to have productivity requirements administered on a statewide basis and sent down from headquarters rather than each individual division Captain setting the requirements for his district. Trooper Mossman stated he felt it would be.

Rep. Erne asked Trooper Mossman if the public relations work a trooper does is decreased because of the quota requirements. Trooper Mossman felt that the potential for that happening is great.

The next conferee was Col. David Hornbaker, Kansas Highway Patrol. Col. Hornbaker said allegations seemed to be that Divisions 9, 5 and 2 had established quotas. He said the division commanders from Divisions 5 and 9 were present and would be happy to speak. Col. Hornbaker explained to the committee his interpretation of the problem was in the definition

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportationroom 519-S, Statehouse, at 1:30 ~~xxx~~/p.m. on March 1, 19 83

of the word "quota" as compared to the definition of "minimum acceptable performance". Col. Hornbaker stated that in his opinion, the minimum levels of performance are so low that they are very easy to reach.

Col. Hornbaker said the question of what might happen if we did away with any numbers was very pertinent to the discussion today. Col. Hornbaker stated that he had worked in the 5th Division with Trooper Mossman before his transfer to Topeka. Col. Hornbaker said that many times he would ask if he had reached acceptable levels and the response from supervisors was simply to do more. Col. Hornbaker said he would not disagree that some of the divisions have minimum acceptable levels of performance. He said that some of the documents distributed pertained only to individual troopers with unacceptable levels of performance not to the whole division. Col. Hornbaker stated that in regard to dismissal, suspension, demotion or other disciplinary actions for inefficiency of performance, it states clearly in the rules and regulations regarding such action that the responsible authority must adequately counsel the employee concerning what is expected of that employee.

Col. Hornbaker went on to further state that the statutes pertaining to the KHP are quite clear. They state that the principle function of the KHP shall be enforcement of the traffic and other laws of this state regarding highways, vehicles and drivers of vehicles. Rules and Regulations for KHP troopers regarding job duties state that they shall be responsible for enforcing traffic laws for Kansas Highways. They shall give and issue warnings, inspect vehicles, testify in court, look at driver's licenses, check trucks, regulate traffic, investigate traffic accidents and so on. This is what their job is. Col. Hornbaker said he did not feel that the KHP has a "quota" that is unreachable or unbearable. He felt that any required numbers are a minimum level of acceptable performance that the division has established. In Division 9 all the troopers were contacted and asked how they could assist with the statewide goal which was the reduction of accidents. Kansas did enjoy the lowest fatality rate in Kansas history last year. Col. Hornbaker said that the Kansas State Trooper's Association is the official meet and confer agent as there is no bargaining in the State of Kansas.

Col. Hornbaker said that as of this date he had not been contacted by the Trooper's Association regarding anything that they wanted to sit down and talk about since they had become a recognized unit. They became recognized about the middle of last year. Col. Hornbaker said that he must, by statute, meet and confer with them but has not been contacted.

Chairman Crowell made a comment to the committee for informational purposes that he had done some checking on his own and found that Divisions 2, 5 and 9 were those frequently mentioned as using a quota system.

Col. Hornbaker said the captains do have a lot of latitude in the areas of the state they administer. He said he asks each Division Captain to tie in the Statewide goals to promote traffic safety as best they can.

The next conferee was Jerry Johnson, Former Trooper 5th Division, currently assigned to the Kansas Turnpike. Trooper Johnson stated that he had been on the patrol for 13 years and had heard a lot of talk about quotas. However, he stated he had not had any difficulty in attaining the goals and that he had never had any trouble catching up if he got behind.

The Chairman opened the meeting to committee questions. Rep. Erne asked about Trooper Johnson's recent transfer. Trooper Johnson stated the reason he transferred was due to the fact the turnpike pays health insurance premiums. Rep. Erne asked Trooper Johnson if he felt he had had to concentrate on a particular type of arrest at any time. Trooper Johnson said he had when they were working with aircraft, but that was not because of any "quotas" he needed to meet.

Rep. Knopp asked if a trooper worked the entire division or just a particular geographic area and are the geographical areas similar in terms of such things as traffic counts and would it be reasonable to set the same goals for rural versus urban areas. Trooper Johnson replied

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 1, 1983

that they worked geographical areas and that those areas were obviously different. He said he did not think it would be fair to set the same goals for each area and did not think that was being done.

Chairman Crowell opened the floor to committee questions for Col. Hornbaker. Chairman Crowell asked if there is any way that the level of traffic safety is reflected in a troopers evaluation. Col. Hornbaker responded that it is included in their evaluation under initiative and some other categories. Troopers are encouraged to give safety programs.

Chairman Crowell asked Col. Hornbaker if there is anything to reflect the percentage of convictions for arrests. Col. Hornbaker replied there is not. There is consideration given to the number of statutes used. Chairman Crowell asked if production requirements were statewide. Col. Hornbaker replied that it was left up to the individual division commanders.

Chairman Crowell explained to Col. Hornbaker that in his conversations with other troopers there seemed to be a feeling that any number requirement would be better if it was administered from a state level. Col. Hornbaker replied that this had been done in the past but it was not satisfactory to the troopers and had been abolished in 1981. Col. Hornbaker said that minimum levels were much higher than they are now. Chairman Crowell asked Col. Hornbaker if he thought it was fair to tell someone to produce more and make up past quotas as well. Col. Hornbaker replied he did not think that was fair. Col. Hornbaker stated he had overruled a case where an individual was recommended for disciplinary action for failing to "catch up". Col. Hornbaker said he was not aware of any other similar cases.

Chairman Crowell asked if there were any current situations where a person with much less service time was making more money than someone with perhaps 20 years service. Col. Hornbaker said there was not. However, the possibility does exist and it would take approximately seven years of outstanding evaluations and receiving the highest salary raises possible to exceed the earning potential of a twenty year person.

Col. Hornbaker said that it seemed to be the implication that just because a trooper is a high producer he is going to get a high rating and that is not the case.

Chairman Crowell asked if there was anything to prevent everyone from receiving an outstanding rating. Col. Hornbaker said there was no requirement that a certain percent had to fall into each category.

Rep. Bill Fuller asked Col. Hornbaker about the Trooper's Association, and to clarify his earlier statement that as an organization they had not arranged to meet with him. Col. Hornbaker stated this was the case, that the Trooper's Association had not asked to meet with him since they were recognized.

Chairman Crowell asked if administrative work requirements is a legitimate discussion topic for the Troopers Association to want to discuss. Col. Hornbaker responded that conditions of work is one of the areas which can be discussed. Rep. David Webb and Rep. Johnson asked Col. Hornbaker questions to clarify an earlier remark by Trooper Mossman regarding a meeting that did not "enhance his position". Col. Hornbaker explained Trooper Mossman had not been satisfied with an evaluation and had asked to meet with him. Col. Hornbaker stated it was not in a Trooper's Association capacity. Col. Hornbaker stated Trooper Mossman was a fine trooper, had turned down two promotions to sergeant and apparently enjoys being a trooper.

In response to questions from Rep. David Webb, Col. Hornbaker said it is his policy that no trooper is assigned back to the county where they had previously lived on their first duty assignment. They may be assigned back home on some future assignment.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
 room 519-S, Statehouse, at 1:30 ~~a~~p.m. on March 1, 1983

Rep. Erne asked to clarify one issue before the committee. He said he had not been asked by the Trooper's Association to introduce this bill and the bill is not a Trooper's Association bill versus Administration bill. Rep. Erne asked Col. Hornbaker if it is possible for personality conflicts to enter into evaluations. Col. Hornbaker indicated that it is perhaps possible, but with the training received he hopes this is not the case.

Rep. Erne asked Col. Hornbaker if he felt it was fair for a trooper in one division to produce less than a trooper in another division and yet the trooper producing less be receiving an above average or outstanding rating and the trooper producing more be receiving a below standard rating. Col. Hornbaker responded that if the final rating was based solely on production it would not be fair. But, there are a lot of people who are high producers who do not get outstanding ratings. It just does not happen that if a trooper produces high he gets an outstanding rating. It is not fair to compare production in Johnson County or Wyandotte County to Gove County.

Rep. Erne asked Col. Hornbaker if Trooper Johnson who testified earlier was on duty today. Col. Hornbaker responded that Trooper Johnson had requested to come up and that it would be necessary to ask Trooper Johnson if he had any activities for the day.

Rep. Erne posed a question regarding the fairness of reprimanding a trooper for the amount of work he was producing when he had received an above standard on the old productivity worksheet and if the same worksheet had been used in 1982 would have had an even higher point total. Col. Hornbaker responded that there were too many variables for him to be able to answer the question.

The Chairman requested that the committee members and the conferees refrain from discussing individual cases during the hearing.

Rep. Justice asked the Colonel to again clarify the meet and confer requirements with the Trooper's Association. Col. Hornbaker reiterated previous comments that the Trooper's Association had not contacted him for a meeting since becoming an organized meet and confer body.

Col. Hornbaker pointed out to Rep. Justice that it was not his responsibility to initiate the meeting.

Rep. Knopp asked the Colonel if he objected to ceasing the practices of Divisions 2, 5 and 9 in regard to productivity numbers since the other divisions across the state did not feel it necessary. Colonel Hornbaker said he would not object, but pointed out in one division the troopers asked to have the numbers set.

Rep. Justice directed a question to Trooper Mossman regarding whether it would be possible for the Association to meet with the Patrol and work out their differences regarding productivity requirements. Trooper Mossman explained to Rep. Justice that meet and confer was not an easy task and they are learning how to do it. He said their meet and confer proposal will contain an article designed for the purpose of finding a solution to the productivity question.

The Chairman recognized Robert Tyson, retired Captain, Kansas Highway Patrol, from Olathe. Mr. Tyson stated it is his opinion that there must be some guidelines if you are going to evaluate a persons ability to perform. Mr. Tyson stated that those troopers who were doing a day's work were not complaining and those that were not are complaining. Mr. Tyson said he was appearing on his own behalf only.

Chairman Crowell pointed out to Mr. Tyson that he had visited with some troopers who seem to be doing a day's work and they felt there was a problem with productivity requirements.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on March 1, 19 83

Rep. Sutter asked Col. Hornbaker if he had said that production doesn't have anything to do with promotion. Col. Hornbaker responded that he had not said that. There are eight categories which are personal appearance, public and work relations, knowledge of work, judgment, quality of work, dependability, care of equipment and uniforms.

The Chairman thanked the committee members and the conferees on the manner in which they conducted themselves during the hearing. The meeting adjourned at 3:15 p.m.


Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transpor. In.

DATE: 3/1/83

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
CHARLES KOHNER	KCKS	KHP
RAY BAILIFF	Rt-Box 111-54 LEAVENWORTH Ks	KHP
LARRY MOSSMAN	1408 LOOMIS WINFIELD Ks	KHP
Beet Cantwell	Topoka	Gov. Off
Ken Strawn	Topoka	Local 101
John G. Smith	Topoka	KHP
Lynard L. Shearer	Salina	KHP
Jerry Johnson	Wichita	KHP
W. Marie Nambaker	TOPERA	KHP
John D. McNeal	Topoka	Self
Patricia R. Johnson	Pleasanton Ks	D. & Tracy 254
Stanley A. Johnson	Pleasanton Ks	"
Gina K. Henshaw	Pleasanton Ks	"
Sandy Masters	Pleasanton Ks	400 N. Main
Merle Hice	Topoka Ks	Good Foods Assn.
Leroy Jones	Overland Park	B. L. E.
Henry M. Aiken	KISOT	
Michael C. Gorman	TOPERA	KANSAS RAILROAD ASSOC.
Brad Martell	Salina	Marquette College
Bruce Wheeler	Salina	Marquette Coll.
Ken Meyer	Salina	Marquette Coll.
C. S. Leavelle	Topoka	Ret. V. Trial
Brian Lewison	Lawrence	Leg. Intern

STATE OF KANSAS

LARRY E. ERNE
REPRESENTATIVE SEVENTH DISTRICT
ROUTE 1
COFFEYVILLE, KANSAS 67337



TOPEKA ADDRESS
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612

TOPEKA

HOUSE OF
REPRESENTATIVES

Statement before the
HOUSE COMMITTEE ON TRANSPORTATION
Tuesday, March 1, 1983

Mr. Chairman and members of the Committee, I am Larry Erne, Representative from the 7th District and I am speaking in support of HB 2463.

This bill will forbid the Kansas Highway Patrol from using quotas for determination of promotion, compensation, or other change in the status, privileges, or duties of any member of the highway patrol. This bill will still leave the patrol administration authority to supervise troopers and the carrying out of their duties.

These quotas appear not to be handed down by the Colonel from State Headquarters, but appear to be set by different divisions. My information indicates at this time that Division #5, headed by Capt. Connelly; Division #9, headed by Capt. Shearer; and Division #2, headed by Capt. Johnson, are using these quotas. These quotas are unfair to both the Kansas citizens and to the individual troopers. It is unfair to Kansas citizens because it requires troopers to write tickets when he normally would not or to write marginal tickets. It is unfair to the trooper because it removes his or her discretion which is a vital tool in maintaining public relations.

I have handed out to members of this committee copies of memos and letters from the above named divisions. These indicate that quotas are being used division wide as well as on Individual Troopers.

Thank you for your time and I would appreciate your favorable support of this bill.

ATTACHMENT 1

MEMORANDUM

DATE 2-10-83

SUBJECT DIVISION PRODUCTIVITY GOALS



X TO _____

DIVISION FIVE PRODUCTIVITY GOALS FOR 1983 ARE AS FOLLOWS:
15 TRUCK INSPECTIONS PER MONTH, 15 VEHICLE INSPECTIONS PER MONTH,
1 HOUR OF DRIVERS LICENSE CHECK LANE ^{OR} ONE D.W.I. ARREST PER MONTH,
AND 3 RADAR ARRESTS FOR EACH 7 HOURS OF REGULAR PATROL TIME.
I HAVE BE ADVISED OF THE DIVISION FIVE PRODUCTIVITY GOALS.

FROM *[Signature]*
Signature

KANSAS HIGHWAY PATROL
WINFIELD, KANSAS

VIA:	INITIALS

MEMORANDUM

DATE 1-13-83

SUBJECT MINIMUM PRODUCTIVITY LEVEL - 1983

As per Captain Shearer's letter re: Division and District Goals - 1983, the following minimum productivity levels are established for Division Nine:

1. Ten (10) truck inspections per month.
2. Thirty-five (35) radar arrests per month.
3. Twenty (20) vehicle inspections per month.
4. Fifteen (15) MHV arrests per month.
5. Twelve (12) hours D. L. per year to be kept current on monthly basis.

Division command has also decided that a trooper who has a KR-10 or KR-11 radar must average thirty-five (35) radar arrests per month for January, February, March and April. Failure to do so will possibly result in being assigned an MR-7 unit instead of the KR-10 or KR-11.

A troopers activity will be re-evaluated on this basis every three months after May 1, 1983.

Thank you for your assistance in this matter.

James E. Bogart, Sergeant
Division Nine

cc: Lt. Cranor

2/1/83 - G.W.S.

KANSAS HIGHWAY PATROL

TOWNSITE PLAZA, BLDG. No. 2, SUITE 130
200 EAST SIXTH STREET
TOPEKA, KANSAS 66603-3563

September 13, 1982

SUBJECT: Unsatisfactory Work

TO:

Attention Sergeant Kuhn

After several counseling sessions by your sergeant for lack of activity (5-1-82; 5-28-82; 6-10-82; 7-11-82; 7-31-82; 8-10-82; 8-27-82 and 9-5-82) you have failed to respond. To insure you meet your area work activities the following work requirements are imposed upon you.

1. Improve the number of accidents you investigate. At present, you work less than half your area average. You must consistently patrol the high-accident areas of your district. (See your area-accident spot and time map.)
2. Truck inspections - two inspections required per day.
3. Vehicle inspections - maintain your present level.
4. Start checking unattended vehicles and reporting same on five-day report.
5. Present two safety programs by end of 1982.
6. Aircraft arrests - maintain present level.
7. MHV arrests - two MHV arrests per day.

SUBJECT: Unsatisfactory Work
September 13, 1982
Page 2

8. Other arrests non-traffic - maintain present level.
9. Other arrests - maintain present level.
10. Radar arrests - four radar arrests per day.
11. Stopwatch arrests - maintain present level.
12. DWI arrests - two DWI arrests per month.
13. MHV warnings - three MHV warnings per day.
14. Other warnings - maintain present level.
15. Radar warnings - three radar warnings per day.

This work requirement will remain in effect until you have attained a satisfactory level in each work area and your sergeant releases you from this requirement.

This is an official order and you are to comply with it. Your sergeant will continually monitor your progress and report the results.

JOHN CONNELLY, Captain
Division Five, Wichita

I attest that I have been counseled on and understand the requirements set forth in this written document.

cc: Sergeant Kuhn
File

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

John Carlin
Governor



Col. David Hornbaker
Superintendent

October 4, 1982

SUBJECT: Unsatisfactory Work

TO:

Attention Sergeant Siebert

After several counseling sessions by your sergeants for lack of activity (2-2-82; 3-25-82; 4-30-82; 7-25-82; and 8-26-82) you have failed to respond. To insure you meet your area work activities, the following work requirements are imposed upon you.

1. Improve the number of accidents you investigate, you work only one-third of your area average. You must consistently patrol the high-accident areas of your district. (See your area-accident spot and time map.)
2. Truck inspection - 97 by the end of 1982.
3. Vehicle inspections - 93 by the end of 1982.
4. Safety programs - maintain present level.
5. Aircraft arrests - maintain at present level.
6. MHV arrests - maintain at present level.
7. Other arrests - maintain at present level.
8. Radar arrests - 4 radar arrests per day.
9. DWI - 1 per month.

SUBJECT: Unsatisfactory Work
October 4, 1982
Page 2

10. Warnings; MHV - 3 MHV warnings per day.
11. Warnings; other - 3 other warnings per day.
12. Warnings; radar - 4 radar warnings per day.

This work requirement will remain in effect until you have attained a satisfactory work level in each work area and your sergeant releases you from this requirement.

This is an official order and you are to comply with it. Your sergeant will continually monitor your progress and report the results.

JOHN CONNELLY, Captain
Division Five, Wichita

Frank Goddard
FRANK GODDARD, Lieutenant
Division Five, Wichita

I attest that I have been counseled on and understand the requirements set forth in this written document.

- X _____
cc: Sergeant Siebert
File

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

John Carlin
Governor



Col. David Hornbaker
Superintendent

June 14, 1982

SUBJECT: Job Performance

TO:

The following requirements will be the minimum expected on a monthly basis.

D.W.I.: Actively search for and detect drinking drivers.

DRIVERS LICENSE LANES: 2 hours

TRUCKS: One a working day with 50% enforcement.

VEHICLES: One a working day.

SAFETY PROGRAMS: Seek and promote safety programs in your District.

SERVICES RENDERED: To help the public in the scope of your duties and authority as a Trooper.

This was 20 -
MMV ARRESTS: 5², and concentrate on accident causing MMV's.

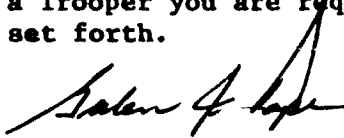
OTHER ARRESTS: 10

RADAR ARRESTS: 50 minimum

STOPWATCH: 10

WARNINGS: As need indicates.

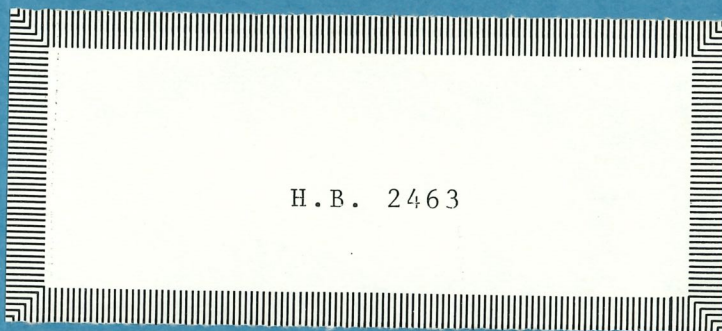
Regular patrol, dependability, availability and public and work relations, need to be applied as stated in your May 13, 1982 letter on Job Performance. As a Trooper you are required to follow all Rules and Regulations and Policy as set forth.


Galen J. Pape, Sergeant
Division Two
Abilene, Kansas

GJP:rb

cc: Captain Johnson
Lieutenant Northup
File

ATTACHMENT 2



H.B. 2463

QUANTITATIVE MEASUREMENTS OF PRODUCTIVITY IN THE KANSAS HIGHWAY PATROL

WHAT FACTORS ARE INVOLVED:

1. How can supervisors set standards that offer each Trooper the the same potential for producing?

a. Traffic:

Traffic volume and the character of the traffic can vary from one extreme to the other within 50 miles in Kansas. The measurements we have had do not take that into consideration. The productivity work sheet, that we quit using at the end of 1981, had a county handicap number that went into the computation to serve that purpose. It just wasn't meaningful and had no significant effect on final score, and left requirements virtually the same for all Troopers regardless of geographical location.

The latest requirements make no attempt to differentiate in criteria, regardless of duty assignment. It is difficult to see how a system that requires the same amount of numbers for Troopers in Medicine Lodge and Troopers in Wichita can be correct in both places.

How does supervision determine what the numbers will be?

b. Weather:

It is impossible to provide each Trooper with the same kind of weather. Weather is a very significant factor affecting a Troopers' ability to produce tickets and other kinds of paper work as well.

Example: I am on 3 days off during a snowstorm that produces bad roads for 3 days. The other Trooper in my town was working in that snow but didn't get any tickets. I come back to work, the other Trooper goes on days off, the roads are good and I write several tickets in the next 3 days. We have covered 6 days in all, but I have many tickets and the other Trooper has none for the same period. I'm in good shape, he is behind. The point is, the potential was not even similar.

c. Time:

It isn't possible to know each Trooper will have the same amount of time to pursue and collect work. Time to us is a strange product and is influenced by:

1. Weather
2. Accident investigations
3. People with questions and problems. Troopers, in areas where they become well-known by the public, may find people will expect them to be available to answer questions or comment on something for them. They come to expect you to have time for them and rightfully so.
4. People with flat tires, car trouble, etc.
5. Court.

Time is not your own or under your absolute control.

d. The Public Trust:

The public deserves to be assured we are not engaging in activity that affects their time and dollars for the purpose of achieving quantitative criteria.

Once the criteria is set and we know we must have a certain amount, we commence arresting, or not arresting, people for all the wrong reasons. It evolves into a self-serving project and we lose sight of the values that should guide us.

e. The Personnel - Troopers:

Troopers need to be sure their judgment is not influenced by a struggle to achieve a certain level.

(1) I want to know that I wrote a ticket because the circumstances warranted it, not because I needed it to meet my quota. When you are not sure or if you are working under threat of discipline, virtually every ticket you write is tainted.

(2) If you get behind, for whatever reason, how do you catch up? What do you change or alter? Because now not only do you need to produce the established amount, you must have more in order to catch up. You might envision that catching up is easy, however, let me cite a personal example.

January 1983 I finished the month in good shape on radar arrests, based on the requirement of 3 for each 7 hours of regular patrol time as indicated on my time distribution. Then February arrived and so did a snowstorm. I worked bad roads and no speeders. I went on days off, the road improved but I wasn't working. I come back to work but the motorists won't cooperate, they are driving too slow...some days it is like that. Now I'm struggling to find a few and at slower speeds at that. The 15th of February finds me 25 radar arrests in arrears. I just do not feel as though I did anything wrong, or that there is anything to make up, even though it could be the beginning of a situation that evolves into an allegation of misconduct, because my supervisor will feel he should admonish me since I am behind. Why am I behind? I committed no act or omitted any act that is responsible for the alleged shortage.

Depending upon the officer, once behind it can become a mentally fatiguing problem. The harder you try to catch up, the more people seem to comply with the law. The depression starts and then resentment toward supervision, and it is very difficult not to feel resentment when you see your co-workers receiving the greater rewards when you face the same dangers and responsibilities.

It is too bad we work at a potentially dangerous occupation and yet the most stress we encounter is intra-departmental. My association with Troopers in other states reveals that in Kansas, we are much more productivity oriented and evaluation conscious than the other states. The underlying factor is the close correlation between productivity and wage potential, and then realizing your competitor is your fellow Trooper.

(3) So what are some of the things Troopers have done and can do?

- a. Troopers have turned in paper work which was not actually executed, such as truck inspections, car inspections, service rendereds, warnings.
- b. Stack paper...once you get a motorist stopped, try and get every piece of paper possible from that stop, such as speed arrest, vehicle inspection, warning, service rendered.

(4) Make a work order. Sometimes supervisors will make them for you. Go out and fill your order. When you get one category filled, discontinue looking for that type of contact and fill another, and so on. Bypass what you have plenty of so your time is used pursuing something you need.

(5) Patrol only those roads that will produce. They may represent only a small segment of your district, but if you are going to take care of yourself, it may be necessary.

(6) Bypass what you don't need, especially if it takes much time. A service rendered is a good example.

You could falsify a service rendered...that's no problem. So, don't help people, it takes too much time. If you attempt to help a motorist with a flat tire and no jack, you could use up an hour or more. If that comes during the prime activity time of your tour of duty, you will miss your opportunity to catch up.

Try to get someone else to take accident calls, such as another Trooper or Sheriff's patrol. Accidents are too time consuming and seldom produce more than one arrest.

(7) Look at how supervisors are measuring your work. Does the formula or gauge have other numbers in them that you can utilize, thereby improving your final product number. You may be working on the wrong number. Example: A requirement of 3 radar arrests for every 7 hours of regular patrol time. Here you can improve by more tickets or less time. Manipulate the time to make your ratio appear to be in better shape. If you are caught up and get 3 or 4 radar arrests early in your shift, get off the road and charge time out to other duty which will keep your ratio in good shape.

(8) Learn to "play the game". The better you play, the better your evaluation. Never mind that the whole process is producing a vastly unrealistic set of statistics, which are very likely to be the basis for next year's criteria, as around and around we go. This causes officers to talk about "burn out" long before they should. They are concerned about keeping this pace for 25 or 30 years.

However, if a division commander can get everyone to play the game, his division may come in at the top of the heap, which is likely to be interpreted that he is a better commander than the others.

(9) Are all Troopers as troubled by quotas as this material implies? No, many but not all. What is more interesting is why they aren't.

- a. The quota is a game and maybe they can win. If they can use high productivity as a springboard to promotion, they won't have to be under that kind of pressure very long and they will have won.
- b. Some do not wish to make any opposition to quota for fear of invoking anger in supervision, which brings other unpleasant reactions in the nature of lower evaluation, jeopardize promotional possibilities, etc.
- c. Some feel a quota serves a purpose. While it isn't something of which to be proud, it does serve as a restraint on supervisors. (Supervisors can't arbitrarily decide they don't have enough of something.)
- d. Some are so eager to please supervision, and I say that with affection, that anything supervisors are promoting is considered beyond reproach.
- e. Some Troopers seem sincere in their belief that some measure must exist, so quotas are okay. Their dedication to this philosophy is likely to be proportional to such things as their length of service, present evaluation rating, apparent promotional possibilities and geographical location.
By and large, Troopers who turn in the largest volume of paper are the favorites of supervision. They are getting the better evaluations and enhanced earning potential. It is understandable that they find the system more tolerable.

RESPONSES TO COMMENTS SOMETIMES OVERHEARD OR STATED BY SUPERVISORY
PERSONNEL CONCERNING QUANTITATIVE MEASUREMENTS

COMMENT: We have no quotas, we have organizational goals which are voluntary and the product of a supervisor-subordinate mutual agreement.

RESPONSE: That is a proposition that is of sound design and theory and one which the Patrol is capable of executing. But it is not what is occurring in many of the divisions and districts throughout the State. Let's look at to what that comment refers.

We are evaluated on the calendar year. At the beginning of the year, usually not until February, we fill out a "performance improvement goals" form for the upcoming rating period. As I prepare this statement, it is February 18, 1983 and I have not yet received my rating for 1982, or filled out a performance goals form for 1983. But I have been advised what the minimum amount of acceptable productivity numbers will be for 1983.

Was that voluntary?

I have been advised that a failure to meet established criteria will affect my evaluation in the following three categories: Knowledge, Judgment and Initiative. My evaluation is directly linked to my earning potential.

Is that voluntary or commission?

Two of my Trooper friends had disciplinary actions commenced against them for failure to meet established levels of productivity. One was actually found guilty of misconduct and insubordination.

Is that voluntary?

When the performance goals are discussed, some supervisors encourage Troopers to set numerical goals. Many Troopers just will not do this, but stick to more general descriptions of their intentions. Some Troopers will assign themselves numbers as they feel it pleases the supervisor. Even that is questionable as to how voluntary it is. What is worse, that Trooper spends the entire year executing his duties for all the wrong reasons. We have to hope there is something inside that Trooper that is raising a few personal questions as to the integrity of his commitment.

COMMENT: No matter where you are employed, the employer will expect you to work. We need the requirements to control the "deadwood" employees.

RESPONSE: Our hiring process is detailed and thorough. Very few casual job seekers will survive it. Persons seeking employment with the Highway Patrol are not looking for a job, they are looking for a career. They feel they want to do this kind of work, and that is a plus for management, because motivation is automatic. Traditionally, new officers are eager and aggressive in the pursuit of their duties, but most of these same officers, at some point in time, will find the pace they set early will be a mental burden to maintain for an entire career. To counter that, a somewhat slower pace is developed as the officer settles into his life's work.

Troopers who are promoted early in their careers may never experience the "I can't keep this pace for 30 years" syndrome. And that is a shame, because they may never be able to understand it, either.

Some of the above listed information is why the production statistics of new officers should not be pointed to or referred to as the potential available and, therefore, proper criteria for the whole organization.

"Deadwood". It would be idealistic to say we have none. But at the same time, you could say we have very little because we want to be proud and our dedication to proper execution of duties are not easily discouraged.

If management takes the view that all Troopers are lazy and won't work unless they are forced, then we might ask, I wonder what happened to them; they surely weren't that way when they were hired.

It would be better to absorb the "deadwood" than have all Troopers working under a system that violates the public trust in an attempt to obtain absolute organizational compliance. The cure is worse than the disease. It would be more beneficial to review the organizational procedures and policies on relations and motivations of Troopers. We are in our chosen field, so surely we can be motivated to accomplish our tasks without resorting to practices which are unprofessional and unethical.

COMMENT: Work must be measured.

RESPONSE: Law enforcement management guides generally discourage the placing of numbers or quantitative measurements on individuals whose responsibility it is to enforce the laws. It is unacceptable in the eyes of the public. It stymies personalities and turns officers into robots. Quantitative measurements do not take into consideration the quality of the product. The measures that are proper in a profit motivated organization have little application in law enforcement. If an officer does not make the established numbers, management is in a position to determine what to do about it. Too often that is discipline. The wrong solution because it is a negative motivator, not only to the troubled worker but to co-workers who learn about it. The effectiveness of the organization cannot be determined by individual performances, but by the innovative and creative programs of those persons whose responsibility it is to make the organization effective. It takes no creative resource to count tickets and measure one Trooper against another, on the basis of paper produced.

COMMENT: How can we evaluate without it?

RESPONSE: A place to start is to get rid of the tunnel vision. Quantitative measurements make you see the Trooper through only the eyes of the Patrol, when so many more people are involved. Too many times the Patrol's assessment of a Trooper's worth is shockingly lower than what would be indicated by the other people in his contact: The community at large; the Courts; the attorneys; other law enforcement agencies. The more is better philosophy always accompanies quantitative measurements and it is very easy to count the tally, see who had the most and slip everybody in their respective slot, nice and tidy. But, it isn't the way we should be doing.

Evaluating individuals who enforce the law is difficult. It is hard to put a handle on this work because there are not many tangibles. The numbers represent tangible measurement and make a supervisor's job easier. But it is not providing objective answers to the question of establishing the Trooper's worth or the effectiveness of the Highway Patrol.

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