

# Elected officials are powerful agents of risk management, good and occasionally bad

By Reed Hardesty

Elections are a time to address community goals and conversations through the ballot box. As public employees it's a time of anticipation and occasionally weariness. Elected officials help define the mission of an organization. They can be a front line of risk management and can use your organizations' strengths and culture to meet existing community needs or move the organization in new directions. Sometimes new challenges are essential to meet changing community needs. When new directions are integrated with existing culture the results can be outstanding. If the new mission whipsaws the current culture and dictates a 'my way or the highway' view of current staff, claims are typical realities. Commander-in-Chief fantasies are wisely traded for Middle-Manager-in-Chief realities that engage Management discipline and empowering current staff to accept and pursue new challenges and missions while not abandoning former administration community goals. WCIA has learned alongside Members through great collaboration and also through costly litigation and claim payments that elected officials are powerful agents of risk management, good and occasionally bad. The following scenarios are taken from WCIA claims involving elected official changes within our membership.

New elected officials have the obligation to set organizational goals. A new majority may revoke the previous majority's ban on recreational marijuana stores. The new goal can be pursued without creating financial liability risk to the ongoing legal defense of the former ban. A community is allowed to change its mind on some issues, it's discretionary. The change of direction is not an admission the former position was legally indefensible. Responsible elected officials can engage the new mission while responsibly resolving the former position without creating additional legal liability. Middle management discipline rarely makes the paper, like bomb throwing proclamations, but it enhances the organization's professionalism and acknowledges the tolerance of many viewpoints that democracy demands.

Elected officials must resist the impulse to clean house or settle old political scores outside of the political arena. A new Mayor in a strong Mayor form of government can understand and respond to community needs in strong ways. The ability must be tempered with understanding of financial risks and due process rights if the strong new mission violates rights established to competing community interests and property rights of public employees. You can't keep out Walmart just because the Chamber elected you. Walmart has rights too and if the planning department's prescribed process is met by Walmart you should not violate Walmart's civil rights through directing staff to refuse their building application.

A strong Mayor that ignores a HR Manager's counsel and terminates employees because they are viewed as 'At-Will' may find the new Administration bogged down in litigation from multiple plaintiffs and the Mayor will certainly be followed in the newspaper. It may also lead to current staff divisions, depositions and time, effort and resources taken away from results the new mission hoped to obtain.

Lame Duck elected officials must resist the impulse to reward favored subordinates and punish staff enemies on the way out. A lame duck Mayor should not be an opportunity for Council to address budget issues through defunding a current Director's position creating a 'passive' termination of a long term employee. If true reductions in force are needed, there are legally defensible ways of handling that difficult situation. The outgoing Mayor serves the organization well by preparing the way for the new Mayor, even if they are politically different. It shows decorum and reinforces trust in politics.

Middle-Manager-in-Chief. A responsible sober goal. It doesn't grab headlines and rarely creates claims. The other path stirs up liability and financial risk. So raise your right hand and embrace good risk management through WCIA's programs.