

Communicating with Difficult People



**ACHRO/EEO Fall 2017 Institute
Hyatt Regency – Orange County
October 18, 2017 10:45 a.m. to Noon**

Presented by:

Barbara J. Ginsberg, Esq.
Partner

Atkinson, Andelson, Loya, Ruud & Romo
12800 Center Court Drive, Suite 300
Cerritos, CA 90703
main 562-653-3200 • main fax 562-653-3333
direct: 562-653-3847 • fax 562-653-3980
www.AALRR.com

aalrr

**Atkinson, Andelson
Loya, Ruud & Romo**

A Professional Law Corporation

© Copyright 2017



Barbara J. Ginsberg

Partner

bginsberg@aalrr.com

Cerritos

12800 Center Court Drive, Suite 300
Cerritos, California 90703
562.653.3200 | Fax 562.653.3333

Irvine

20 Pacifica, Suite 1100
Irvine, California 92618
949.453.4260 | Fax 949.453.4262

Practice Area
Education Law

Bar Admissions
California

Education

J.D., Thomas Jefferson School of Law
B.A., University of California, Irvine

Court Admissions

U.S. District Court, Central and Southern Districts of California

Experience

Barbara J. Ginsberg is a partner in the Cerritos and Irvine offices of Atkinson, Andelson, Loya, Ruud & Romo. She represents school and community college districts, and public agencies in all aspects of labor and employment matters and education law. She serves as chief negotiator for agencies in collective bargaining with certificated, classified, and police/safety units, and is experienced in both traditional and interest-based bargaining methods. In addition, Ms. Ginsberg has more than 24 years of experience investigating charges of harassment and discrimination as well as uniform complaints. She is a member of the firm's Title IX and Clery Act groups. Other areas of Ms. Ginsberg's practice include: classified and certificated employee evaluation and discipline (merit and non-merit); statutory and negotiated leave issues; police and safety matters, including POBOR issues; certificated and classified reductions in force; disability accommodation issues; student and employee privacy, search and seizure, and other constitutional issues; drafting board/agency policies; hiring practices; PERB, EEOC, DFEH, OCR, OAH, and personnel commission matters; and federal and state civil litigation.

Prior to joining AALRR in 2008, Ms. Ginsberg spent seven years as a legal advocate for public and private employee unions, including the Association of Orange County Deputy Sheriffs, Riverside Sheriffs Association, Orange County Firefighters Association, Santa Ana Firefighters, and the San Bernardino Public Employees Association; and eight years as an advocate for school and community college districts. She also served as Deputy City Attorney for the City of Victorville.

Education

Ms. Ginsberg earned her Bachelor's degree from the University of California, Irvine and her Juris Doctor from Thomas Jefferson School of Law. Ms. Ginsberg also attended the United States Naval Academy in Annapolis, Maryland.

Admissions

1995, State of California

United States District Court, Central District and Southern District

Memberships

State Bar of California

California Bar Association, Labor & Employment Law Section

Labor & Employment Relations Research Association, Orange County Chapter

California Council of School Attorneys

Cerritos College Foundation

Speaking Engagements

Ms. Ginsberg is a popular and highly requested speaker and regularly provides training throughout the nation on a variety of subjects of interest to K-12 school districts, community colleges, universities, cities, counties, governing boards, management teams, administrators, police and safety personnel, supervisors, and staff. In addition to addressing subjects that impact the workplace, the educational setting, and collective bargaining, Ms. Ginsberg provides training on the FRISK model for preparing effective documentation regarding employee substandard performance or conduct; leadership and communication skills; conducting investigations in the educational and workplace environments; conflict resolution; Brown Act compliance, and state-mandated sexual harassment training. She regularly lectures at conferences for local, statewide, and national organizations such as AASPA, ACCCA, ACSA, ACHRO, CABE, CALSA, CCLC, CCUPCA, CPCA, CSBA, NSBA, and WACUBO. She is also a regular instructor at various personnel and administrator academies throughout the state, and a guest lecturer at local universities.

Communicating with Difficult People

ACHRO/EEO Fall 2017 Institute – Orange County
October 18, 2017 10:45 a.m. - Noon



Presented by:

Barbara J. Ginsberg, Esq.
Partner

aalrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

© AALRR 2017

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego

GOALS FOR TODAY

- Reduce your anxiety
- Build your confidence
- Empower you to control the work environment and situations with difficult people, with tact and skill

aalrr

DIFFICULT PEOPLE

- People who present a bottleneck in the decision-making process
- Complainers, negative nellys, bullies, situational hijackers
- People who are disinclined to treat people nicely because they are not afraid of the consequences
- Employees engaged in substandard performance or conduct who have a negative attitude towards changing

aalrr 2

Dealing with Difficult People

You must separate the person from the business problem

You can't necessarily change mindsets and attitudes, but you can and must manage behaviors

aalrr 3



**TACT/
DIPLOMACY**

- The handling of difficult or delicate situations with expertise and proficiency
- The art of letting someone have it your way

aa/rr 4

1



FACE THE ISSUE

- Determine the business problem
- Handle it early so your emotions don't take over
- Don't leave the issue unaddressed or expect it will go away or lessen
- Don't be a complainer, be an actor

aa/rr 5

2

DETERMINE THE MOTIVE

- What is making the person act this way?
- What is preventing the person from being cooperative?

aa/rr 6

3

EXAMINE YOURSELF

- Hot buttons being pushed?
- Your feelings about their behavior
- Overreaction?

aa/rr 7

4

- Be professional, composed
- Focus on business interest, NOT interpersonal issues
- Describe how you are being impacted by the difficult person's actions/behavior
- Listen until you know they feel heard
- Summarize and clarify
- Ask inquiry questions; avoid being reactive or defensive
- Mutually determine what can be done differently moving forward to lessen the impact; invest them in the solution

DISCUSS DIRECTLY IN PRIVATE

aa/rr 8

Key Points

- Set an appropriate meeting location
- Be aware of and optimize your body language
- Adapt to the individual's communication filter



aa/rr 9

5

BE ASSERTIVE

- Assertiveness is not the same as aggressiveness
- Don't tolerate disrespectful behavior or bullying
- Conditions for communicating with you
- Point out when your conditions are being violated
- Maintain consequences – be strong

aa/rr 10

6

FOLLOW UP

- Has the behavior changed?
- Has the issue been resolved
- Better? Worse? Tweak?
- Need another conversation?
- Need to escalate ...
 - to a higher resource?
 - with a different type of response?

aa/rr 11

7

- Limit a difficult person's access to you
- Don't reinforce the negativity (it's their choice to be negative)
- It's not your role to provide therapy
- Document, document, document
- Protect others
- Pick your battles and redirect them
- Keep HR in the loop

OTHER TIPS

aa/rr 12

8

- Foster strong connections
- Build trust
 - Exhibit sincerity
 - Exhibit reliability
 - Exhibit competence
 - Exhibit care

ENGAGE IN PREVENTION

aa/rr 13

Techniques to Give You More Power with Difficult People

- Know your hot buttons and be prepared to respond tactfully
- Choose the optimal time for the conversation
- Know the anticipated filters for the conversation
- Avoid backing an opponent into a corner – give them a way out
- Give yourself an out – reconvene at a mutually agreeable time
- Be assertive and stick with the challenge
- If confronted with bad behavior, distance yourself from it
- Be aware of and careful with your body language and tone
- Confirm and clarify understanding
- Backtrack and use their words
- Pace or blend (except with an aggressive person)

aa/rr 14

Communicate Effectively

- Focus on the business interest of the communication
- Give everyone the same respect and consideration every time
- Make a powerful first impression & play up your strengths
- Avoid words that undermine credibility
- Learn to say “no” politely
- Learn how to behave appropriately in variety of situations
- Set a high personal standard and maintain it

aa/rr 15

Disclaimer

This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The firm is not responsible for inadvertent errors that may occur in the publishing process.



© 2017 Atkinson, Andelson, Loya, Ruud & Romo

aa/rr

16

Question & Answer Session

Thank You

For questions or comments, please contact:

{ Barbara J. Ginsberg, Esq. }
{ (562) 653-3847 }
{ BGinsberg@AALRR.com }

aalrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation