



Performance Reviews For Employers, Not Lawyers

Deborah Jeffries, PHR, CPC
HR Answers
djeffries@hranswers.com

QUESTION

In Your Organization What Are The Performance Review Challenges?

Here Is What I Hear

- Everything is perfect until it is not
- Consistency
- Accurate/Honest
- Not representative of time period agreed too
- No "comments"
- No notes taken
- Poorly written
- Not done... on time... or at all

- No pats on back
- Too vague
- No prep by supervisor
- Employees are surprised by the ratings
- Great employees don't receive great ratings.
- Ratings by supervisor are "uniformly" excellent
- Employees who are dismissed have received recent excellent appraisals
- No follow-up
- No talk of the future...development, goals, etc.

**All of These Equal
Open Season for Attorneys**


We have to think about what they would be looking for...

- Gaps
- Inconsistencies
- Lack of feedback
- Poor documentation
- Others
(more to come later)



Tips #1

- Use performance logs to simplify writing employee reviews



- Include:**
- Project assignments and deadlines met or not met
 - Your assessment of the quality of an employee's work
 - Instances of tardiness, work absences or extended breaks
 - Disciplinary discussions and actions taken
 - Employee responses to problems and questions
 - Positive contributions to the work effort
 - Details of significant personal interactions with the employee

- Don't include:**
- Rumors or speculation about the employee's personal life
 - Theories about why the employee behaves a certain way
 - Information about the employee's family, ethnic background, beliefs or medical history
 - Your opinions about the employee's career prospects
 - Unsubstantiated complaints against the employee

**Tips #2
Conducted By?**

The person doing the appraisal has little or no day-to-day contact with the employee whose performance is being judged.

Tips: #3

Turning a Negative into a Positive

During performance reviews, use clear, nonjudgmental language that focuses on results and behavior. **How it is said matters!**

“Your work has been sloppy lately.”

“You’re obviously not a mathematician.”

“Don’t let it happen again.”

Turning a Negative into a Positive

“Your work has been sloppy lately.”

“Your last three reports contained an unacceptable number of statistical errors.”

“You’re obviously not a mathematician.”

“I know you’re capable of producing more accurate work.”

“Don’t let it happen again.”

“How can we prevent errors from creeping into reports?”

Tips: #4

Measuring Behaviors and Results and ‘intangible’ traits

Supervisors are called upon to evaluate employees on the basis of intangible factors, such as cooperativeness, dependability and judgment. Most supervisors find intangibles the most difficult factors to evaluate, probably because they seem so personal.

Follow two guidelines when addressing intangible traits in an employee performance evaluation:

1. Match traits to the job.
2. Match traits to behavior.

Supervisors can use these questions to help quantify the intangible qualities

PLANNING

- 1. Does the employee set verifiable short- and long-term goals?
- 2. Are the employee's goals in tune with company needs?
- 3. Does the employee's planning show sound assumptions reflecting the company's goals and resources?
- 4. Does the employee typically achieve the expected results?

ORGANIZATION

- 5. Is the employee aware of what is going on in his or her department, including who is doing what?
- 6. Does the employee know what the department can do in an emergency?
- 7. Does the employee do a good job of delegating work according to subordinates' abilities?

INTELLIGENCE

- 8. Does the employee see relationships between facts and draw appropriate conclusions quickly?
- 9. Does the employee learn from experience?

JUDGMENT

- 10. When confronted with an emergency, does the employee quickly recognize the most important priorities?
- 11. Does the employee appreciate the financial implications of his or her decisions?
- 12. Does he or she make decisions quickly, but not hastily?

INITIATIVE

13. Does the employee anticipate what has to be done?
 14. Does the employee perform well in the absence of superiors?
 15. Has the employee made original suggestions to improve operations?

LEADERSHIP

16. Does the employee explain rather than command?
 17. Do people listen closely when he or she speaks?
 18. Does the employee spell out the benefits of doing things his or her way?
 19. Does he or she deal smoothly with unexpected developments?

Tips: #5

Avoid phrases that can sabotage job-review meetings

- “You are wrong.”
- “What was your problem?”
- “You really did a great job, but ...”
- “I understand.”
- “Your position here is solid so long as you keep up the good work.”

Tips: #6

Help employees reach peak performance

Sounds easy: Expect high performance and you won't be disappointed. Expect so-so performance and that's what you'll get.

To help employees maximize their productivity, use these practices when writing performance reviews to help define what you mean by “high performance” and lay out how you expect your people to attain it:

1. Involve them in setting goals.
2. Keep the goals realistic.
3. Find their “hot buttons.”
4. Avoid micromanaging.

Tips: #7
Writing employee reviews

Say you manage a 55-year-old employee whose productivity drops over the year. Instead of citing specific, measurable examples of this decline in his employee performance evaluation, the note reads, "Kevin doesn't seem to have the energy level anymore to truly succeed in this department." Kevin's work is rated as "average," the same as last year.

Main causes of evaluation inflation

- Misinterpreting a rating scale or instructions.
- Fear of confronting employees.
- Giving positive areas too much weight over negative ones.

What Do You Think Of These?

- "She has delusions of adequacy."
- "I wouldn't allow this employee to breed."
- "He would argue with a signpost."
- "When his IQ reaches 50, he should sell."
- "He brings a lot of joy when he leaves the room."
- "If he were any more stupid, he'd have to be watered."

Tips: #8

A positive, valuable employee performance evaluation

Discuss concerns you've observed with the employee's performance. Here's a framework:

- Describe the performance concern.
- Reinforce performance standards.
- Develop a plan for improvement.
- Offer your help.
- Alternate negative and positive comments.
- Emphasize potential.

Tips: #9

Incorporate employee self-review

One simple way to reinvent the employee performance evaluation is to shift the responsibility for the initial assessment back to your employees.

This places supervisors in the roles of career mentors and coaches rather than unilateral decision-makers and disciplinarians.

How About.....

- People don't want to feel "top downed" so how about no reviews, no evaluations, no appraisals ...instead how about performance conversations?



Sample Conversation Starters

Giving developmental feedback using positive language...

- You are so good at gathering information from a variety of sources. We need to find a way to improve your ability to synthesize and make recommendations based on the information up to the same level. Can you think of ways we could do this?
- You are exceptional at face-to-face customer service. We need to figure out how to get your management of my calendar up to the same level of excellence. How might we do this?

Making a statement to the employee inviting developmental self-appraisal...

- How might you improve your performance in _____ (telephone customer service, meeting deadlines, eliminating mistakes from documents, etc.)?
- Can you think of ways you might get better at _____ (specific area needing improvement?)
- What might help increase your effectiveness at _____?
- When you consider your performance at (specific area needing improvement), what skills might you improve?

When you want someone to talk about why they did something...

- Help me understand your decision making process...
- Help me understand your reasons for approaching the situation in that way...
- Can you say some more about that?
- Can you say more about your reasons for approaching it that way?

Avoid....

- **Don't ask questions when you are not prepared to hear the answers.**
- **Questions that start with "why" tend to make people feel defensive:** You can replace why questions with phrasing that tends not to cause that reaction. For example, rather than asking, "Why are you late so often?" try, "Are there any particular things that are getting in the way of arriving at work on time?"

Avoid (cont.)

- **Don't use questions to say things indirectly:** For example, "Don't you think you should be more diligent in completing your work?" Questions used to mask statements, opinions or requests create mistrust.
- **Avoid compound questions.** Here's an example: "Is there some reason why you have been late on many Fridays and why you tend to leave early on Wednesdays?"

How can you create more active participation and involvement in the review? Ask questions to encourage employees to "self evaluate".

- Overall, how do you feel your performance has been?
- Can you identify one or two areas you feel you have excelled at, or projects you've been involved in that have been great successes?
- Are there any areas where you feel you could improve?
- What would help you improve in those areas?
- What things do you feel have gotten in the way of improving performance?
- What do you need from me?

- Employers terminating employees without communicating and documenting the areas of performance deficiency are always taking a huge risk, as rightly or not, a jury will tend to consider the employer's lack of communication as unfair and improper. And, unfortunately, this presumption that the employer acted unfairly may well lead into an eventual verdict and large monetary judgment against the employer, even in situations where the organization did not technically violate any laws.

In addition to the deterrence of employee litigation, a thorough, well conceived evaluation system provides many benefits to employer and employee alike, including:

- Encouraging constructive communications between employees and managers regarding job performance
- Providing a standard, company-wide format for measuring employee performance against job standards
- Identifying areas needing improvement
- Enhancing employee morale by fostering employee participation in goal setting and future development
- Assisting the organization in identifying individuals with promotion potential and establishing opportunities for future career development

Decision

- Your performance reviews should be done for either development **OR** for compensation not both.

Caution

- Biases
- Discrimination
- Negligent retention
- Negligent supervision



Keep in Mind

1 on 1 meetings
Specific examples
Future action plan
Opportunity for the employee to respond to the evaluation.
Unscheduled, "on the job" feedback
Consistency is crucial

**Questions?
Comments?**



