Performance Evaluations

Coweta County Fairgrounds & Conference Center

September 17, 2009

C. Jason Willcox

Moore, Clarke, DuVall & Rodgers, P.C.

Albany • Valdosta • Atlanta



Performance Evaluations

- Overview
 - Merging Performance Appraisals and Performance Management
 - Planning for the Performance Evaluation
 - Conducting the Performance Evaluation
 - Documenting the Performance Evaluation
 - Delivering the Performance Evaluation



- Top Ten Things that people would rather do than conduct/undergo a Performance Evaluation
 - Root Canal
 - Removing grout from neighbor's bathtub
 - Slamming hand in car door
 - Dinner and a movie during the Super Bowl



- Why conduct a Performance Evaluation?
 - Assist Employer in determining progress on goals, meeting the essential functions of the job, compensation, promotions, demotions, & TERMINATION.
 - Assist the Employee in addressing the expectations of the Employer (performance criteria), performance feedback, setting new goals, recognition of accomplishments, open communication with Employer and to prevent surprises. And Compensation!



- Periodic and consistent evaluations of an employee are presumed to be the most definitive and reliable source of information regarding an employee's performance.
- Performance Evaluations are often the first item an attorney will examine in employment litigation.
- Juries find Performance Evaluations of critical importance.



- What is the difference?
 - Performance Appraisal:
 - Usually a single event that focuses on an annual review/rating by a superior
 - Looks backwards
 - Employees often view as judgmental
 - Focused on activities, behaviors, and personality
 - Performance Management:
 - Generally looks more to the future
 - Employee's plan is tied to the Employer's plan
 - Employees often view as more positive
 - So, Why not combine the two?



- Merging the Performance Appraisal and Performance Management into a Performance Evaluation:
 - Often more constructive
 - Leads to better communication between the Employee and the Employer
 - Leads to better understanding
 - Leads to better productivity



Performance Evaluation

Benefits:

- Evaluations that are properly documented and reviewed with the employee can avoid or greatly reduce discrimination claims
- Provide the employer with a good defense on discrimination claims
- Motivational Tool



- Planning for the Performance Evaluation is critical.
 - Ensure that the job description and the actual job activities are the same
 - Measure the employee based on the reality of what the person does
 - Provide clear, written instructions to the individuals involved in the evaluation process
 - Stress the requirement for honest, accurate and fair evaluations



- Planning Continued
 - Ensure that all employees are assessed on jobrelated criteria
 - Review prior Performance Evaluations and the goals set for the employee
 - What was agreed to?
 - What training/education was suggested/assigned?
 - Review current year memos, reports and information on accomplishments



- Planning Continued
 - Review any disciplinary issues and attendance
 - Review the Employee Handbook
 - Make sure that the evaluators understand the value of the Performance Evaluation and the position being evaluated
 - Take reasonable precautions to avoid potential bias of an evaluator



- Planning Continued
 - Be prepared to explain the evaluation process
 - Employee's procedure for commenting on the evaluation
 - Process of documenting receipt of the evaluation
 - Process for appeal of a poor evaluation
 - Outline of employer's goals for future
 - Plan the future growth for the employee



- Employee Self-Assessment
 - 2 to 3 weeks prior to the formal Evaluation
 - Allow employee to review job description and address any differences between the description and reality
 - Status/Completion of previously agreed goals
 - General Performance of duties (work quality, dependability, attitude, ability to follow policy)
 - Employee's recommendation for self improvement
 - Identify what issues are important to the employee



- Be prepared to discuss the good, the bad, and the ugly!
 - Constructive Criticism
 - Identify strengths and weakness
 - Do NOT be confrontational
 - Allow for open dialogue with employee
 - Be consistent in evaluations and the discussion with employees
 - Why?



- Listen to the employee
 - Formulate questions that allow the employee to have input and express his/her opinion
- Strive for uniformity in evaluators
- Address important issues to the employee
- Be proactive in addressing employee morale and productivity
- Avoid the gripe session! Be focused.



- Document employee's disagreements
- Respect the confidentiality of the discussions and advise employee of limited confidentiality
- Seek assistance from the employee in identifying ways to resolve issues
 - Are there obstacles to the employee's performance improvement that are out of the employee's control?



- Document
 - Notes should be consistent and written with the understanding that they will be seen by others
 - Include both positive and negative
- NO INTERUPTIONS



- Written documentation of complete evaluation
 - Who was involved
 - Position evaluated
 - Issues discussed
 - Issues outlined by employee
 - Specific rating on each area
 - Position requirements
 - Completion of annual goals
 - Performance of duties
 - Quality of work, knowledge of position, dependability, ability to accept constructive criticism, cooperation with team



- Address each job related deficiency
- Attitude
- Overall rating
- Recognition of Accomplishments
- Goals for future set dates
 - Performance
 - Education
 - Attitude/Behavior
 - Attendance/Dependability
- Documentation of comments by employee



- Signature of employee
- Signature of evaluators
- Signature of management
- Avoid extraneous remarks, focus on the job and the performance of key duties



- Schedule sufficient time to review the evaluation with the employee
- Conduct meeting in proper location
- Provide the employee with the opportunity to review the evaluation prior to the meeting
- Purpose of meeting is to discuss the evaluation, not to get the employee to agree with everything



The Performance Evaluation

- After the Performance Evaluation, the employee and employer should understand:
 - The overall assessment of the employee's performance for the evaluation period
 - Understand what the evaluation earned the employee
 - What the specific goals and objectives are for the employee in the next evaluation period.





- Implement a consistent Performance Evaluation System
- Prepare for the evaluation
- Communicate and understand the purpose of the evaluation
- Allow the employee to self critique prior to the formal evaluation (self appraisal)
- Schedule a dedicated time for each employee to be evaluated



- Evaluate performance on the entire review period
- Select proper evaluators
- Facilitate an open and active dialogue during the meeting
 - Open ended questions
- Address the good, bad, and UGLY



- Address each performance issue specifically and provide specific criteria to improve
- Provide access to evaluation prior to meeting
- Set performance goals for the employee, the department and the company that are consistent with company's strategic business objectives
- Document, Document, Document



- Identify a method to measure future performance
- Provide a written document at the conclusion of the Performance Evaluation
- Address only relevant performance issues



- Have the employee sign the Performance Evaluation and note any differences or disagreements the employee may have
- Have evaluators sign the Performance Evaluation



- Could an outsider read the Performance Evaluation and determine whether the individual should get a raise, be terminated, be promoted, be demoted?
 - If not, the evaluation is not complete!



- Moore, Clarke, DuVall & Rodgers, PC
 - C. Jason Willcox
 - **229.888.3338**
 - jwillcox@mcdr-law.com

