

Performance Management

An Introduction for Supervisors

May 2019, updated July 2020, updated April 2021

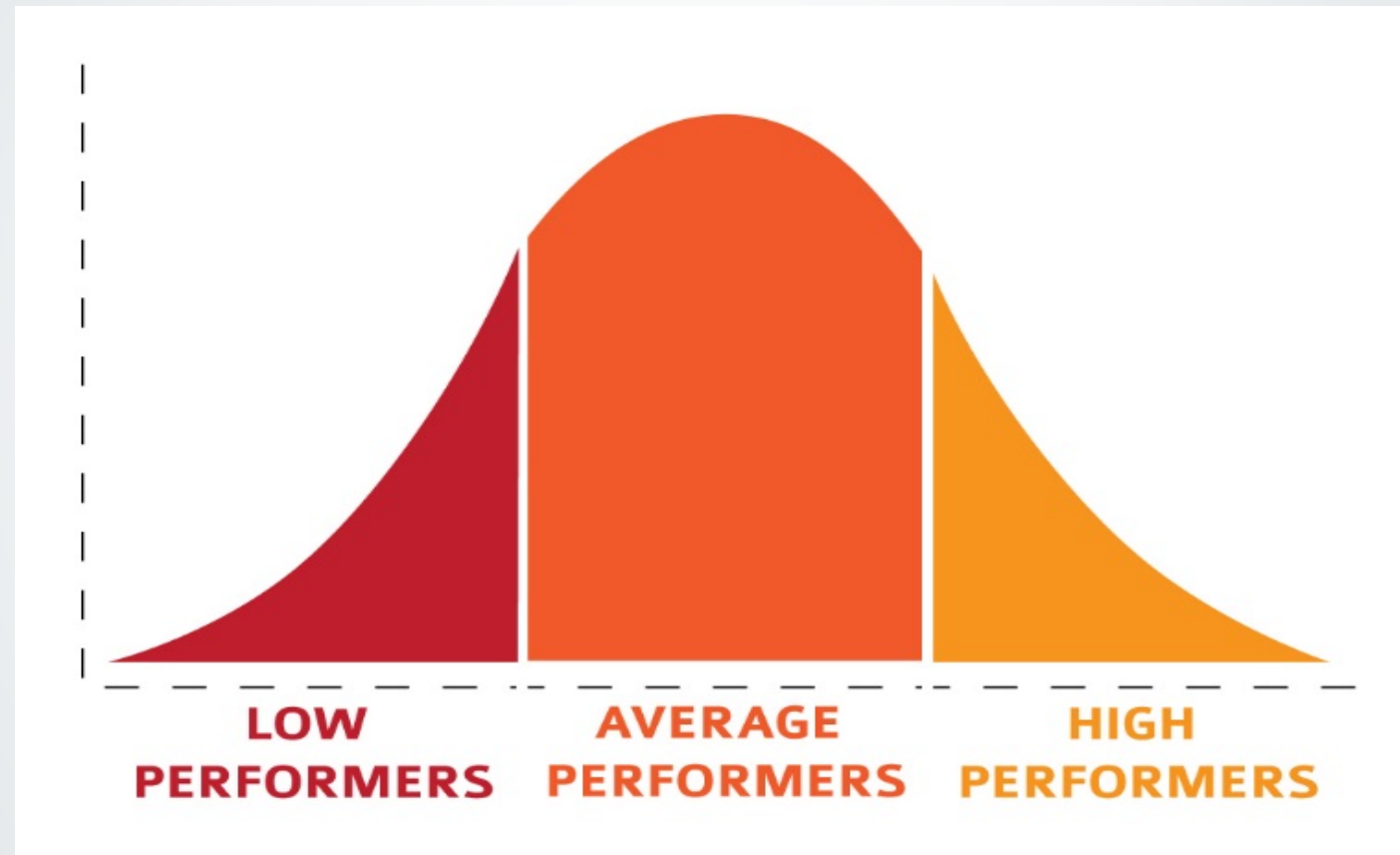
Learning Objectives



- ▶ Understand and apply **full-cycle** performance management
- ▶ Focus on creating higher levels of performance in staff
- ▶ Apply effective progressive discipline

The Performance Bell Curve

Where do you spend most of your time and effort as a supervisor?



This bell curve **does not** represent a required ratings distribution.

Where do you think you **SHOULD** be spending your time and effort?

The goal is to shift overall performance



Where do you think you **SHOULD** be spending your time and effort?

➔ What happens when...

- You spend all your time focusing on the lower performers?
 - You don't grow your mid and high performers.
- What happens to the top group when you keep giving to your "go to"?
 - Failure to create opportunities for the middle group to stretch and grow
 - Burn out
- So, do we no longer focus on the low performers?



How?

Begin with the end in mind.

Begin with the end in mind...

If you don't know where you're going, how will you know when you're there?

Even though you may not be directly training, you still have supervisory duties to measure performance including:

- ▶ What should they know?
- ▶ When should they know it?
- ▶ How would they know it?
- ▶ How can you check to see that they know it?

- ▶ What other considerations?



DIFFERENT LEARNING STYLES

& tips for teaching



- ▶ When Managing performance, ask “Is there an issue with how they are learning / being taught?”
 - ▶ A Courtroom Clerk learns better by reading than seeing. How do you address performance?

Setting Expectations



- Set expectations early and often
- Document clearly-
“What does being at work at 8am mean for you?”
- Ensure resources and tools are available



We have now trained and set expectations. We're done, right?

No...

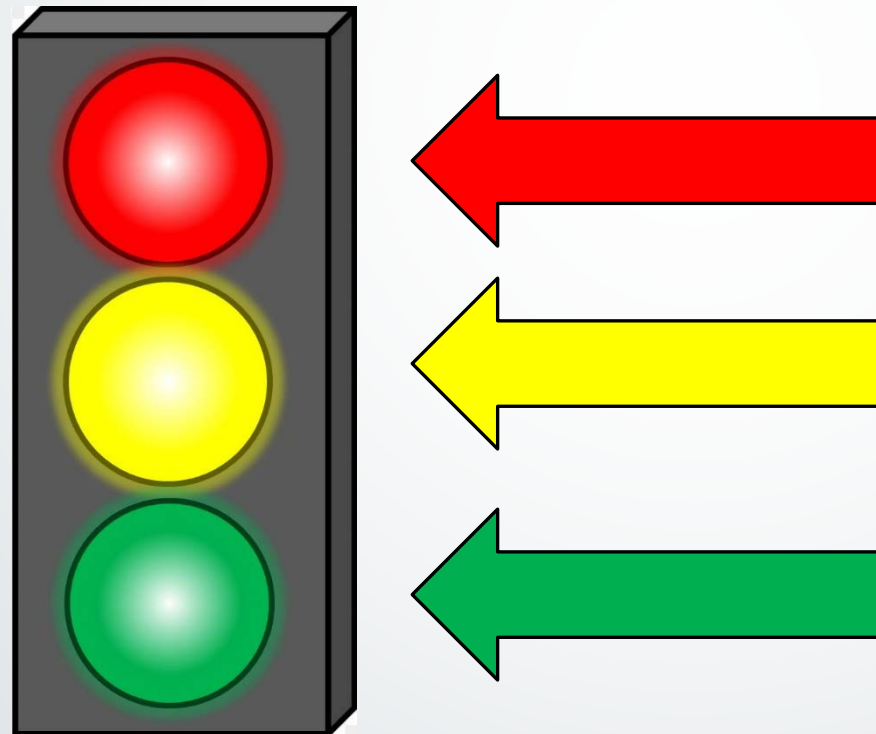
Feedback

- ▶ Any day, any time- DO NOT wait until an "official" evaluation to give feedback. An official evaluation should NOT be the first time they are receiving coaching.
- ▶ Formal evaluations
- ▶ Six month reviews
- ▶ Coaching and mentoring



Feedback

We receive feedback every day!



Feedback

- ▶ Feedback is a gift- It's meant to bridge the gap to success
- ▶ Positive AND constructive
- ▶ Details and facts
 - ▶ "Good Job" vs. "Good job handling that angry customer at the window. You helped her and she felt we understood her needs."
- ▶ Focus on the behavior, not the person



Feedback

- ▶ When and where do you give feedback?
 - ▶ As immediate as possible
 - ▶ Public or private?
- ▶ Ask for their perspective.
 - ▶ What is their understanding/ what did they hear?
 - ▶ What is the preferred action
 - ▶ Impact / Why



What should be included in feedback?

▶ ALL

- ▶ What happened? What is the current situation?

- ▶ You were late to work this morning.

- ▶ History

- ▶ You received an MOU for tardiness last week.

- ▶ What is exact item you are addressing and why is it an issue?

- ▶ Your start time is 8am. You arrived at 9:30. This caused others in your area to have to pick up additional customers and increased wait time.

▶ CONSTRUCTIVE:

- ▶ How would they have known not to do what they did?

- ▶ We discussed the need for you to be on time on date 1, date 2...

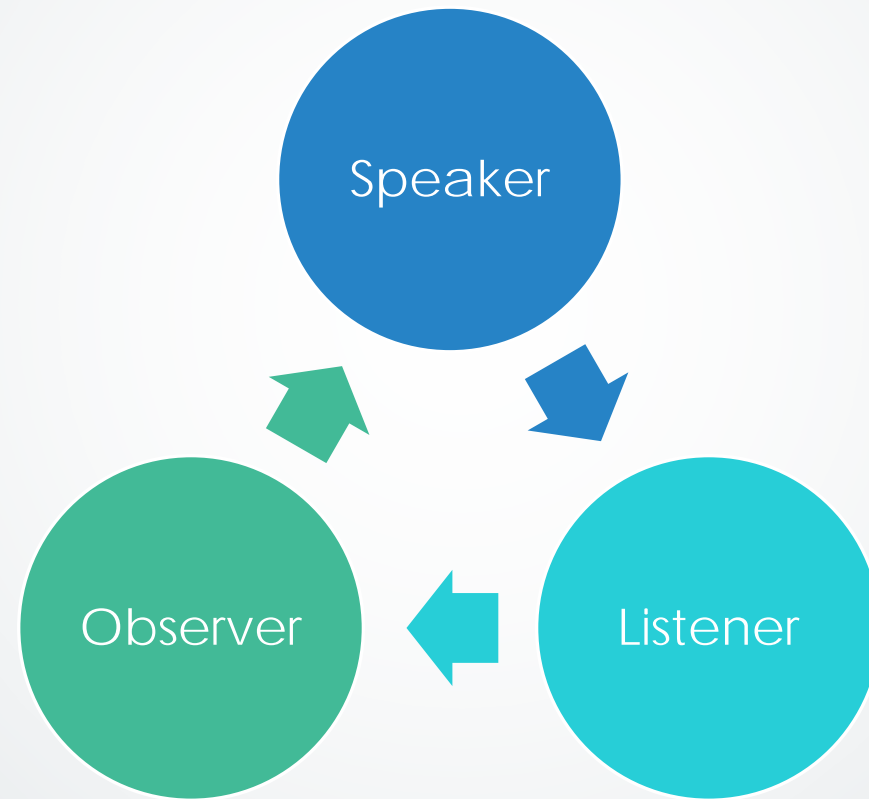
- ▶ What is the expectation to improve?

- ▶ You be at your desk, clocked in, ready to accept customers at your start time of 8am.

- ▶ What is the consequence of failure to improve?

- ▶ Failure to improve will result in continuing progressive discipline up to and including separation.

Exercise – Giving and Receiving Feedback





What do you do after you've given feedback?

Document!

Document!

Document!

Document!

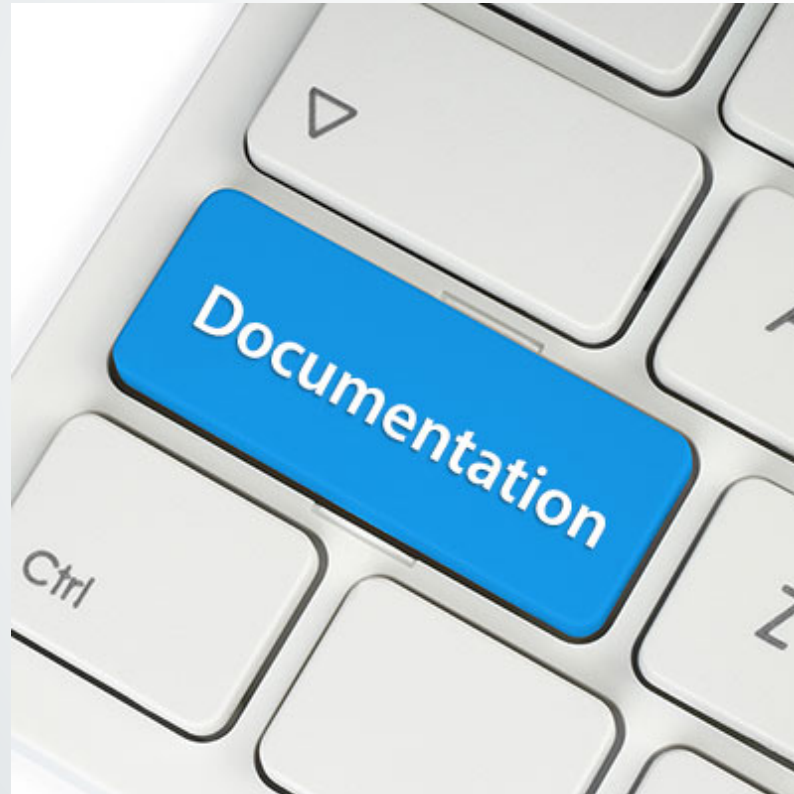
Document!

Document!

Document!

Document!

Documentation



- ▶ What needs to be documented?
- ▶ Does "documentation" = negative?
- ▶ Quick note, dated with:
 - ▶ Who, what, where, when, why, how, witness
- ▶ Facts, not opinions
- ▶ Be consistent in application of policies and procedures



IN HR

IF IT WASN'T

DOCUMENTED

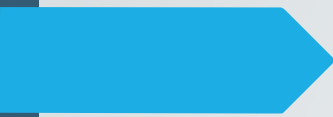
IT DIDN'T

HAPPEN



What happens when feedback isn't enough?

- ▶ You've invested a lot of time and energy, why give up? Instead, dig in and correct.
 - ▶ PM&IP or Discipline?



You are aware of an issue with an employee but unsure how to deal with it.
Is it a performance or a disciplinary issue?

Ask yourself the following questions:

1. Is the concern based on the quality or quantity of the work produced?
2. Is the issue at hand is due to a lack of skill or a lack of will?
3. Is the issue with how the employee is performing their work? Is it that the employee needs to improve their skill set? Require additional training or retraining?
4. Is the issue with how the employee is behaving in the workplace?



Performance Management

- ▶ What is the difference between Performance Management and Discipline?
 - ▶ Performance Management- Improving quality of work, providing reasonable opportunity to improve.
 - ▶ Supervisor must play an active role in meeting requirements.
 - ▶ Discipline- Inappropriate behavior, misconduct

What's the difference?

Performance Management

- ▶ Lack of skill
- ▶ Quality of Work (i.e. errors)
- ▶ Time Management
- ▶ How the employee performs their work.
- ▶ Is the employee unable to meet the required standards of the job?

Discipline

- ▶ Inappropriate behavior
- ▶ Misconduct
- ▶ Attendance
- ▶ Is the employee unwilling to meet the required standards of the job? They've shown they can in the past, but refuse to now.



EXAMPLES

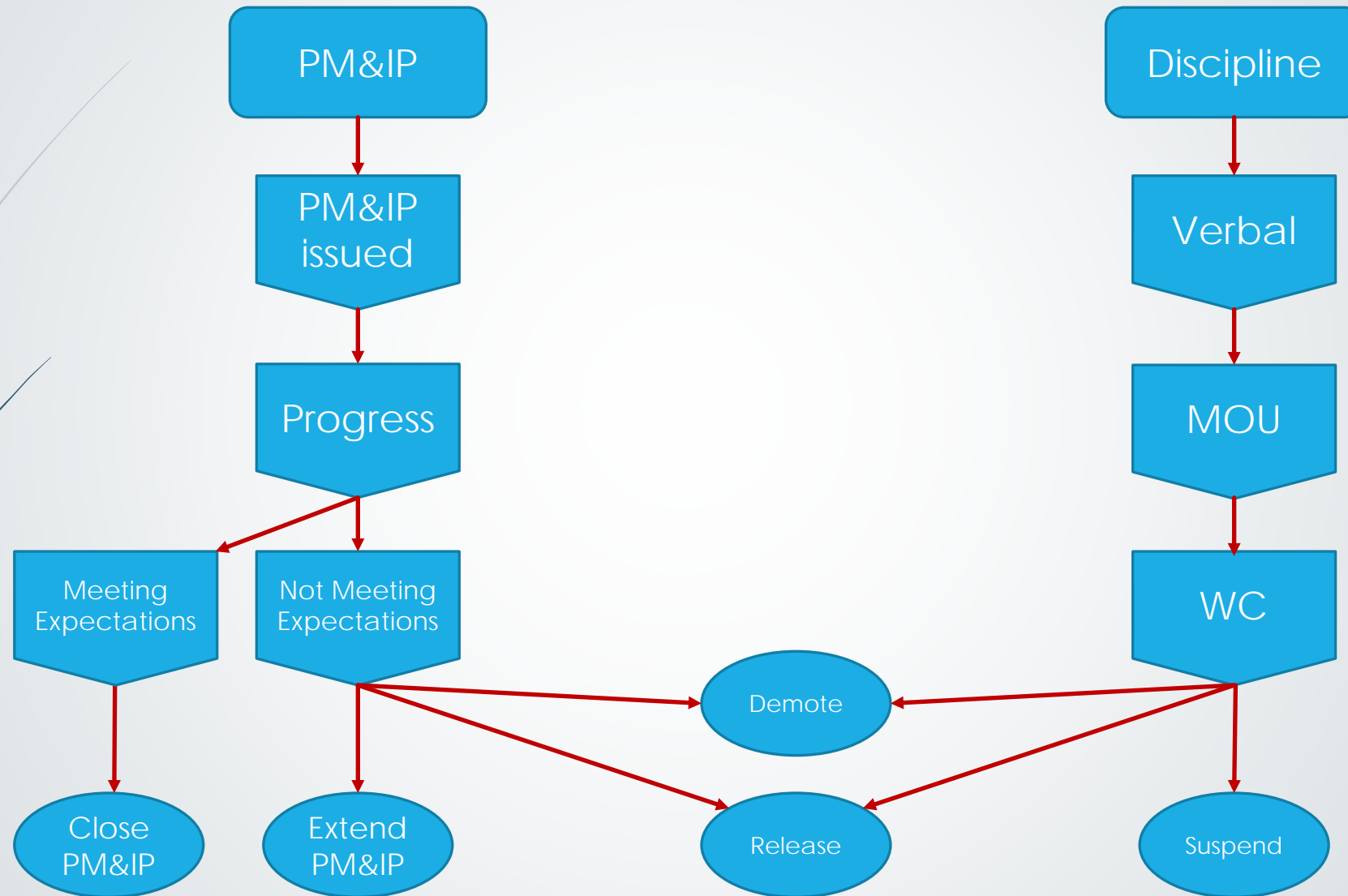
Performance Management


- ▶ Does not or cannot grasp how to process a task
- ▶ Too many errors
- ▶ Issues with work not being completed in a timely manner
- ▶ Processes items out of order

Discipline

- ▶ Cursing in the workplace
- ▶ Verbal altercations
- ▶ Occurrences not related to an approved leave
- ▶ Egregious acts/errors

PERFORMANCE MANAGEMENT IMPROVEMENT PLAN (PM&IP) vs. DISCIPLINE





You have recently discovered multiple items that were not processed correctly by your employee. Some documents lacked a proper stamp, some documents were not filed, some were misfiled, and some have the potential to cause a significant negative impact to COSC.

How would you proceed?

It depends, you need to analyze and ask questions.

Additional information:

- This employee has been with COSC for 5 years.
 - There are no prior disciplinary issues in the Supervisory file.
 - The most recent annual evaluation was commendable.
 - They have been in the current role for 6 months.

Ask yourself:

- a. Is it a lack of skill?
- b. What should they know?
- c. When should they know it?
- d. How would they know it?
- e. How can you check to see that they know it?
- f. Could training or re-training resolve the issue?
- g. What is the impact?

Let's go through some scenarios.....

Your recently noticed that your employee has been arriving late to work. You spoke with them about the late arrivals two weeks ago but the attendance hasn't improved. How would you proceed?

You received a complaint from a Judicial Officer that your Clerk's Minute Entries are not up to standards. There are grammatical errors and incorrect docket codes, not to mention they are not completing the minute entries within the expected turn around time. After a review of the Clerk's minute entries you are in agreeance with the JO. How would you proceed?

Your employee is assigned to a file counter. You have received some complaints from staff that the employee has recently started closing out their drawer early and not taking customers at the end of the day. They are frustrated that this employee is "sticking" them with the customers at the end of the night.

A tenured employee recently was issued a 60 day PM&IP for failure to meet the efficiency production rate. We successfully closed out the PM&IP and they continued to meet production rate for multiple months; however, the employee failed to meet the production rates this month and we reissued a PM&IP. This was closed sucessfully. How do we proceed?



Definition:

- P- Performance
 - M- Management
 - I- Improvement
 - P- Plan
-
- This can be used at any time...
 - Setting expectations with a new hire
 - Re-aligning expectations

PM&IP

- ▶ It is **NOT** disciplinary
- ▶ It is a roadmap for success providing expectations, milestones, and goals
 - ▶ SMART goals
- ▶ How long should it last?
- ▶ **MUST** be reviewed by HR prior to presentation and closure
 - ▶ Employment action may be taken
- ▶ Should be dual ownership. Supervisor **MUST** play an active role in meeting requirements including regular check-ins. You are assisting in providing resources and tools.
- ▶ Tone of delivery and questions are key
 - ▶ We **WANT** to see you improve.
 - ▶ How can you help?
 - ▶ How can we help? What training and tools are needed?
 - ▶ The employee **AND** supervisor are committing to the PM&IP.
 - ▶ Ask, "What's your plan for success?"

PM&IP FAQ's

- ▶ How long should a PM&IP be (timeframe)?
 - ▶ It depends. You should provide a REASONABLE opportunity to improve
- ▶ When do you initiate a PM&IP?
 - ▶ After coaching attempts have failed.
- ▶ Do I have to document my meetings?
 - ▶ Yes. Document!!!



What HR is looking for in managing performance?

1. Has the supervisor fully explained to the employee what he or she is supposed to do? How?
2. Did we confirm understanding of “satisfactory” performance? How?
3. Is there a possibility of a misunderstanding on these two points between the supervisor and the employee?
4. Are the requirements the same for all employee in the same area?
5. Are we holding other employees accountable in the same way?
6. Are the expectations reasonable?
7. Can you clearly show that you have seriously attempted to train and/or retrain the employee in the skills and knowledge required by the job?
8. What do you consider a reasonable expectation for developing this skill (for instance, they should be able to demonstrate this skill at 60 days)?
9. Have you given the employee reasonable time to develop the necessary skills after training?
10. How does the employee know that his/her performance is below that required of the job?
11. Have you told the employee exactly what improvements must be made in order to meet job requirements?
12. Have you followed established procedures by notifying the employee and documenting in writing his/her unsatisfactory performance, and what needs to be done to bring the work up to satisfactory levels?
13. Was the employee advised of the length of time you are allowing to bring the work up to a satisfactory level? Do you have documentation of all the steps that have been taken?
14. Will your action withstand scrutiny from others, such as the HR Manager, Administrator, Deputy Director, or a Court?
15. Have you conducted follow-up, monitoring, and meeting, regarding previous performance actions or counseling agreements?

Steps in Progressive Discipline

- ▶ What is the difference between verbal counseling and a coaching?
 - ▶ Coaching is not discipline. It's a correction and opportunity to guide.
 - ▶ How does the employee know the difference between the two?
- ▶ Verbal Counseling
 - ▶ Documented back to the employee stating this is a verbal counseling. No guessing.
- ▶ Memorandum of Understanding (MOU)-
 - ▶ Next level of informal discipline
 - ▶ HR sends template to leader for completion. This ensures relevant data will be included. HR can review/audit the MOU.



Steps in Progressive Discipline

- ▶ Written Counseling
 - ▶ HR MUST be involved at this level.
- ▶ Beyond written counseling:
 - ▶ Suspension, demotion, dismissal
- ▶ Other forms of documentation (60/90, etc.)

Performance and Progressive Discipline Notes

- ▶ Classified vs. Unclassified- We still follow progressive discipline in both cases. Even though unclassified employees are “at will”, it does not mean we will not follow progressive discipline.
 - ▶ Classified employees- Pre-disciplinary hearing process prior to action.
 - ▶ Unclassified employees are not entitled to pre-disciplinary hearing
- ▶ Counseling/Discipline- Should be referenced in formal evaluations. This is a recap of performance. This is CRITICAL should we move through progressive discipline.
 - ▶ Examples:
 - ▶ During the first quarter we had issues with tardiness. Since this time, the issue has been rectified.
 - ▶ Bob was placed on a 30 day PIP for performance relating to efficiency. This was successfully closed in December and his performance since that time is meeting expectations.
- ▶ EEO- We must be able to defend employment actions to ensure we are not violating EEO. Think, “If this went to Court, how would I defend my actions?”

What should be included in discipline?



- ▶ What happened? What is the current situation?
- ▶ History
- ▶ What is exact issue and why is it an issue?
- ▶ How would they have known not to do what they did?
- ▶ What is the expectation to improve?
- ▶ What is the consequence of failure to improve?

- ▶ What happens if you don't follow up on the discipline?

Example of an incomplete MOU

This letter will serve as a memorandum of understanding for workplace expectations. I appreciate you speaking with me about all of the concerns that have been brought to my attention. We discussed all of these issues during the conversations that we had on Tuesday and Friday. These two discussions are not the first that we have had regarding your work performance. I related to you before I received concerns from the other departments where you have not done your job. I informed you that your work status log needs to be completed daily so that the status of your work can be tracked by a supervisor.

I want to make sure you are aware that, you must follow departmental procedures. Additionally, I want to make sure you realize that all employees build a reputation based on the quality and timeliness of your work. It is your responsibility to control how you are meeting expectations; only you can make adjustments to your approach to situations.

This memorandum is not considered a formal disciplinary action. However, it will document the need for you to demonstrate significant improvement in your work habits. On Monday, I provided you with verbal expectations but please consider the below expectations included in this letter as a Performance Improvement Plan.

- I will review with you the flow of documents.
- I will monitor completion of your Work Status Log.
- I will randomly review your work product.
- You will continue to maintain a neat and orderly work area.
- You will follow all procedures.

I will meet with you each week for four weeks (30 days) to inform you of the review of your work for the week. During this 30 day time, you must demonstrate significant and sustained improvement in completion of your work. At the conclusion of the above-stated period, we will

MOU Template

To: Employee Name, Position Title

From: Supv./Mgr. Name, Position Title

Date: Date

Subject: Memorandum of Understanding

This Memorandum of Understanding is being issued due to your (describe behavior i.e. insubordinate, repeated pattern of unprofessional behavior in the workplace.) As a POSITION TITLE and (if it is a tenured or senior team member include the years of service as follows) an employee of more than __ years, you are in a highly responsible and visible position. As such, it is essential that you continuously display professional and courteous behavior to employees, other agencies and the public.

Provide description of behavioral issue or summary of the complaint. Include date, how you received the complaint, who was involved, and possibly how it was validated.

Summarize your conversation or how you immediately addressed the behavior with the employee. (i.e. On ____, Manager and I met with you to discuss the complaint. During that meeting you acknowledged that you did ____.)

If applicable, provide examples of previous occurrences. Can be summarized or separated into bullets. (i.e. Below you will find occurrences of your unprofessional behavior previously addressed:)

- i.e. Annual Evaluation for the period of 4/2017 through 3/2018 - Interactions with others section contains notation that there are times
- i.e. June 6, 2018 – Documented discussion regarding the manner in which you approached...

As a representative of the Clerk's Office you are expected to maintain a professional demeanor at all times. You must be aware of your actions and how they are perceived by others around you. Moving forward, you are to direct any complaints or concerns to your chain of command and not in a manner that has the potential to be perceived as unprofessional or inappropriate. It

MOU Example

This Memorandum of Understanding is being issued due to your **repeated pattern of unprofessional behavior in the workplace**. As a Courtroom Clerk and an employee of more than 2 years, you are in a highly responsible and visible position. As such, it is essential that you continuously display professional and courteous behavior to employees, other agencies and the public.

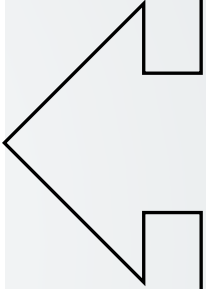
On June 1, 2019 we received an email stating you raised your voice and made unprofessional statements to your Supervisor (Bob Jones). Your statements included that Bob Jones was “an idiot”, had “no business being a Supervisor”, you “hate working for him because he smells like burnt cheese”, and that he could “go to hell.” A Judicial officer witnessed and corroborated this interaction.

On June 2, 2019 you met with your Supervisor and Lisa Smith, HR Analyst to discuss the complaint. During that meeting you first denied making the statements. After we informed you that the statements were corroborated by a witness, you agreed you had made the statements.

On December 1, 2018 you received a verbal warning for unprofessional behavior.

As a representative of the Clerk’s Office you are expected to maintain a professional demeanor at all times. You must be aware of your actions and how they are perceived by others around you. Moving forward, you are to direct any complaints or concerns to your chain of command and not in a manner that has the potential to be perceived as unprofessional or inappropriate. It is your responsibility to ensure that your interactions with staff, other agencies and the public are professional and that in no way you misrepresent the Office.

If a PIP will be issued please include the following verbiage: As a result of this memorandum, you will be placed on a #-day Performance Improvement Plan (PIP). During this PIP period your supervisor will be meeting with you periodically to document your progress.



Should you
include
exact
language?

YES!

Call for Help!



- ▶ Get HR involved when:
 - ▶ Attendance patterns form
 - ▶ Performance or behavior issues arise
 - ▶ When drafting an MOU
 - ▶ When dealing with disciplinary steps beyond an MOU
 - ▶ Whenever you feel like you could use some help and guidance.

Call for Help!

- ▶ When to accept a verbal resignation?
- ▶ When is enough, enough?





QUESTIONS

ANSWERS