

HOW WE WORK WELL TOGETHER

PRESENTED BY:

THE KRIZNER GROUP

— AN EMPLOYMENT LAW BOUTIQUE —

Communication Levels

The first “C” of the CDC of the employment relationship is communication. Communication occurs in the following ways:

- General employment expectations – Organization-wide policies that typically apply to all employees (think “Employee Handbook)
- Position-centric expectations – focus is the obligations and responsibilities of the position or related positions (can be the job description, but also can be position-focused procedures)
- Individual employee communication – individual goals, disciplinary measures, performance documentation, including PIP documents

7 C's of Communication

1. Clear
2. Concise
3. Concrete
4. Correct
5. Coherent
6. Complete
7. Courteous

4 C's of Diamonds

- Cut
- Color
- Clarity
- Carat

Working with Feelings

- *Be aware of others' workload and/or priority projects - it is okay to ask if now is a good time and be particularly aware of overwork or burnout*
- *Make efforts to understand the perspective of coworkers and the people served*
 - This includes the audience for messaging inside and outside the organization
- *Work to actively listen to coworkers, supervisors, and subordinates*
- *Allow for input from others*
- *Properly express disagreement with others using effective communication practices*

Primary Objectives

- Learn about yourself – know and acknowledge your potential areas of bias
- Don't assume
 - *People know*
 - *People always do or say X*
- Practice the 7 C's of Communication
- Use empathy, but be aware of issues it can create

Pop Quiz

Annual evaluations can subject you to liability.

True _____ False _____

Pop Quiz 2

The most important part of the evaluation is:

- (a) The actual rating
- (b) The employee's comments
- (c) The descriptive explaining the areas in need of improvement
- (d) The descriptive explaining the employee's accomplishments
- (e) Both (c) and (d)

Pop Quiz 3

The critical purpose of annual evaluations is to:

- (a) Provide the employee with a grade for his/her work
- (b) Determine whether the employee should receive a raise
- (c) Provide for a forum where the supervisor and employee can discuss whether the employee is meeting the expectations of the position
- (d) Ensure that the employee is satisfied and will continue his/her employment
- (e) All of the above

Pros and Cons of Performance Evaluations

■ Pros

- *Allow for communication between supervisor and employee as to*
 - Position requirements and potential changes that may be necessary;
 - Employee's ability and willingness to perform the job functions;
 - Employer's effectiveness in establishing job duties that may not be documented ("all other duties that may be required of this position");
 - Areas of strong, moderate, and weak performance of Employee;
 - Objectives and/or goals for employee in a given performance period; and
 - Potential advancement of employee in the organization.

Pros and Cons of Performance Evaluations

■ Cons

- *Expectations and communication sometimes suffer due to the following:*
 - “Blindness” based on repetitive process (Invisible safety cones);
 - Use of performance evaluations as means of discipline;
 - Poor supervisory preparation and communication in evaluation process;
 - Poor structure or formatting of evaluation process;
 - Excessive demand on time or resources of supervisor; and
 - Creation of unreasonable expectations related to evaluation process.

In the beginning . . .

- Tools To Have in Place
 - *Accurate, updated Job Description that contains*
 - Clear description of position responsibilities
 - Well-established essential functions
 - Proper minimum requirements for education and job functions
 - *Supervisor Log*
 - Summary of interactions – good and bad – with employee(s)
 - *Effective Evaluation Document Form*
 - Includes requirements for abbreviated and narrative information
 - Establishes goals or aims for the following evaluation period
 - Allows for feed back from employee(s) in the process

Set Up for Success

- From inception of employment, establish key priorities in job duties
- Discuss any communication preferences (but set expectations)
- Depending on position, create a map for upward progress or goals in position
- Identify and discuss initial areas for learning curve or candidate deficiencies
- Discuss openly motivations for employee and set realistic expectations for same

One Goal, Different Paths

You have the following options in attempting to address performance -

- a. Sending an email identifying issues and setting forth an agreed upon understanding
- b. Issuing a corrective action with date-certain goals
- c. Placing the employee on an established probationary status for a determined time
- d. Extending a last chance agreement with short term goals that must be met to avoid termination

The Four Cs for Diagnosing the Issue

- a. Commitment: focus and effort
- b. Capacity: ability and skills
- c. Caring: mindful of others and respects leadership
- d. Confusion: not connecting with the work and/or culture
- e. All Of The Above

→ Bonus: A 5th “C” – Confession! Using the mirror on your leadership...

Don't Cross the Line

- Legal issues occur when supervisors volunteer excuses for poor performance or disciplinary issues, are frustrated, or are unprepared
 - *Don't presume medical conditions without proper basis*
 - *Don't downplay initial communications (if done properly)*
 - *Eliminate emotion from discussion (even if a break is necessary)*
 - *Come to the discussion with expectations and a plan, but be willing to be adaptable*

Control the Meeting/Correction

- Maintain purpose of the meeting and avoid distraction or red herrings
 - *Purposeful or not, employees can derail the process and change the purpose of the meeting.*
 - Watch for new issues – “While you are here, can we discuss my concerns related to how Margo is treating me/acting?”
 - Eliminate excuses in advance – “I tried to complete that report, but I was having trouble logging in/getting access to the data/etc.”
 - Be prepared to address emotional reactions – “I can’t believe we are having to discuss this” or “I am too upset thinking about how negative this is to talk about it.”
 - Avoid multiple day meetings or multiple meetings where possible - “I only have 15 minutes” or “I just remembered I have to leave early for lunch/for the day.”

Evaluating Evaluations

Some of the biggest problems in the way that leaders prepare performance evaluations include:

- A. Relying too much on scores and ratings rather than writing narrative
- B. Being too honest
- C. Failing to include both measurability and date certainty within the designated goals
- D. Delaying both the preparation and issuance of the evaluations
- E. A., C., & D.
- F. A., B., C. & D.

Keeping Pace

Corrective or disciplinary information should not be shared with employees for the first time during an annual evaluation.

True _____ False _____

Looking Behind

Past annual evaluations:

- (a) Should be thoroughly considered when preparing an annual evaluation
- (b) Should be ignored when preparing an annual evaluation
- (c) Should be considered but not relied upon when preparing an annual evaluation
- (d) Are the most important document when preparing an annual evaluation
- (e) Both (a) and (d) are correct

Dos or Musts of Evaluations/Corrections

- Use specific policies/policy examples that demonstrate poor behavior or performance
- Provide specific examples of behavior issues or performance problems
- Provide specific instructions and expectations on how the employee will or must correct the performance or behavioral issues
- Establish a timeline or deadlines for corrections to be completed
- Allow for input, but not control of process from employee
- Require the employee to sign at least to acknowledge receipt of document
- Rely on supervisory log or equivalent to create document

Do Nots of Evaluations/Corrections

- Minimize issues
- Complete the document in anger
- Be vague about issues or corrections
- Create a 90 day contract
- Overcommit your ability to oversee the process or meet with the employee

Not this Use this

- Tardy
- Bad attitude
- Makes too many mistakes

- Employee has failed to appear at work at the scheduled time on X out of XX work days.
- Employee has consistently resisted specific instructions such as [include examples] and frequently fails to communicate about work progress
- Employee has made several errors in completing the projects required of him, including (provide examples)

Not this Use this

- Talks a lot

- Loses tools

- Bad driver

- Employee frequently must be directed to return to work and has not completed XX projects in a timely manner.

- Employee has failed to properly care for his tools, resulting XX lost or damaged tools, costing \$XXX

- Employee has not exercised proper caution while operating equipment/vehicle resulting in \$XXX in damage to County vehicle alone

Not this Use this

- Good attitude, bad worker

- Trouble with emails

- Never shows up

- Employee works well with supervisors and coworkers and is well-liked, but fails to complete work correctly, such as (examples)

- Employee is not properly communicating in writing to supervisor and coworkers

- Employee consistently fails to appear for work and has missed XX days during the evaluation period

Not this Use this (Positive examples)

- Good job this evaluation!

- Talks to customers

- Always here

- Employee has consistently performed work timely and correctly and completed XX assigned projects, well above the desired goal

- Employee communicates well with clients/citizens to ensure satisfaction with services provided

- Employee has demonstrated excellent attendance this evaluation period and has properly sought time off when needed

Not this Use this

(Goal examples)

- Work to improve your efficiency
 - Try to work better with your coworkers
 - Improve your accuracy
- Establish a goal for (projects/tasks/etc.) that represents an increase of 10% over the past evaluation period
 - Select an internet or in-person training to develop improved communication skills to be completed in XX months
 - Identify and complete specific methods or training that will improve your (writing/calculations/reporting)

The Unethical Excellent Performer

Xavier is an excellent performer in his work, however, continually smears the reputation of his coworkers and refuses to do anything that is “not in the job description.” Three coworkers have come forward and complained. Yet, since he is doing all of his work well, the supervisor provides an immensely positive evaluation. Xavier is then overheard gossiping about his supervisor, Rose. She now wants him to be immediately terminated but there is nothing in the handbook about these behaviors. Is termination legally viable?

Timing Issues

Anthony is a poorly performing employee on your team. You have been in discussions for months about terminating his employment but are intimidated by the proposition of finding his replacement. Finally, after he causes a major safety infraction in which a pile of boxes fall atop of a coworker, you decide to separate him this Friday. On Thursday, he comes forward and says that he hurt his back when he was helping the FedEx delivery person bring the boxes into the Office. You still proceed with termination on Friday. Where did you go wrong?

Too Many Issues

Destiny's performance has slowly deteriorated over the past four months and her leader, Vince, is considering issuing a corrective action plan. She mentions to a coworker that life isn't fair and that she doesn't know if she can "go on with it any longer." Destiny also shares with another coworker that she has been seeing a therapist but has stopped because the sessions only cause her to hate her job and her life even more. Vince now needs to decide what he should do...

Documentation is Key

- Document when you prepare
- Document what happens at the meeting
- Document what the decisions are
- Document the follow up
- Ensure the evaluation is signed

Need More?

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