



Workshop Agenda

I. Welcome and Introductions

Mari Barr Santangelo, Deputy Assistant Attorney General for Human Resources and Administration and DOJ Chief Human Capital Officer

II. Performance Management Foundation and the JMD Performance Management Process

Randy Bergquist, Assistant Director, DOJ Learning and Development

Eric Daniels, Senior Attorney, DOJ Labor Relations and Employment Law

Cathy Emerson, Assistant Director, DOJ Labor Relations and Employment Law

III. Dealing with Poor Performance

Cathy Emerson, Randy Bergquist and Eric Daniels

IV. Performance Management Exercises

Cathy Emerson and Eric Daniels

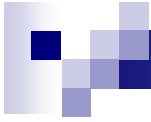
V. Evaluation

Randy Bergquist



Learning Objectives

1. Effectively complete the performance management process
2. Identify various methods of supporting and motivating employees
3. Use learning and development strategies to support individual and organizational performance goals
4. Provide positive performance feedback
5. Address and manage poor performance
6. Identify laws, regulations, and policies associated with performance management



PERFORMANCE MANAGEMENT FOUNDATION AND THE JMD PERFORMANCE MANAGEMENT PROCESS



Performance Management Foundation

- Chief Human Capital (CHCO) Act of 2002 - foundation of significant change in Civil Service mandated establishment of Human Capital Assessment and Accountability Framework (HCAAF)
- Results-Oriented Performance Culture is a system under HCAAF
- Required creation of strategic performance management system that ensures DOJ vision and mission is an integrated, systematic, agency-wide approach focused on results
- Ensures organizational goals and performance expectations cascade from senior levels of organization down to all levels
- Ensures an environment with accountability measures (i.e., performance based and results-oriented)



Performance Process

- ✓ Who is covered?
- ✓ The Performance Work Plan
 - Elements and Standards
- ✓ Appraising Performance
- ✓ Motivating Employees
- ✓ Learning and Development Strategies
- ✓ Acknowledging Exceptional Performance
- ✓ Informal/Formal Measures of Performance Management
- ✓ Performance-Based Actions



Who is Covered?

- Probationary Employee vs. Permanent Employee
- Competitive Service vs. Excepted Service



The Performance Work Plan

- Performance-based action begins with work plan
- Elements must be defined as critical or non-critical
- Elements and standards must be:
 - ✓ Job-related
 - ✓ Objective
 - ✓ Reasonable
 - ✓ Attainable
 - ✓ Cascading



Performance Standards

- May include, but not limited to:
 - ✓ Quality
 - ✓ Quantity
 - ✓ Timeliness
 - ✓ Manner of Performance

- Standard must be set within 30 days of the beginning of the rating cycle (currently July 1 – June 30) or the beginning of a new assignment



Developing Performance Standards

- Collective bargaining agreement with AFSCME requires consideration of the views of bargaining-unit employees
- Improved communication with employees about standards eliminates potential misunderstandings about performance expectations



Cascading Organizational Goals

- CHCO Act of 2002 requires linkage of performance standards to agency objectives
- Questions in developing standards:
 - ✓ What are JMD's goals and objectives?
 - ✓ Which JMD goals can my work unit affect?
 - ✓ What product or service does my work unit produce or provide to help JMD achieve its goals?
 - ✓ How can my employees help deliver this product or service?



Pitfalls of Performance Standards

- Absolute standards
- Backward standards
- Standards that merely list duties
- Vague standards



Absolute Standards

- Invalid (but can be cured)
- Use of the words:
 - “All”
 - “Never”
 - “Each”
- Exceptions, if single error could cause:
 - ✓ Death
 - ✓ Injury
 - ✓ Breach of security
 - ✓ Great monetary loss



Example

“All recurring reports are accurately prepared and always submitted and/or received by the required dates.”



Backwards Standards

- Always invalid
- What the employee should not do
- Cannot be cured
- Standards must be rewritten
- Employee must be given an opportunity to perform



Example

“No agenda for annual Energy Awareness Week is developed. No more than six memoranda are prepared without assistance....”



Listing Duties

- Invalid
- Like a position description
- No qualitative terms
- Level of required performance not identified
- Appears absolute



Vague Standards

- Use of the words:

“Generally”

“Sometimes”

“Often”

“Timely”

- Must give meaning to vague words or invalid



Appraising Performance

- Consistent monitoring of performance under the standards is critical to effective performance management
- Achieved through:
 - ✓ Ongoing informal discussions by rating official
 - ✓ Mid-year review by rating official
 - ✓ Annual review by rating official
- Reviewing official may approve or modify rating of record



Motivating Employees

How would you rank these “most important aspects” of work?

- _____ High income
- _____ Chances for advancement
- _____ Job security
- _____ Important and meaningful work
- _____ Short work hours



Using Intrinsic Motivators

- Find out what makes your employees tick
- Have informal conversations on what excites them about the workplace
- Take time to listen to their concerns and ideas
- Use performance reviews as an opportunity to discover:
 1. What skills they are interested in developing?
 2. What learning opportunities are you interested in?
 3. What characteristics do you think make for a good work environment?
- Encourage a sense of belonging by informing them about assignments that might interest or affect them
- Lead by example – Do what you say and say what you do
- Be an advocate – remove barriers that prevent them from doing their best



Learning and Development Strategies

- Review your organization's capabilities to ensure these are up-to-date (*What are we doing that we should not be doing? What are we not doing that we should be doing?*)
- Determine critical competencies needed to perform the work
- Talk with employees about their current strengths and needs
- Set training priorities:
 1. Training needed to improve present job performance
 2. Training expected to have a positive impact on future job performance
 3. Training applicable to projected workforce needs



Learning and Development Strategies

- On the job
- Classroom
- Self-development
- Computer-based
- Distance learning
- Developmental assignments/Job rotation
- Coaching
- Mentoring
- Manager as teacher



Learning Opportunities

- As a manager/supervisor, you are expected to develop your team to ensure that they have the necessary competencies to generate high quality work, meet the needs of the customer, solve problems, and be productive
- Summarized below are a few different learning opportunities

- ✓ New Job
- ✓ Transfer to a new assignment
- ✓ Change in a policy, regulation or procedure
- ✓ To reinforce previous teachings
- ✓ Assignment of new duties or responsibilities
- ✓ New knowledge or skill needed to do the job

- ✓ Preparation for promotion or career development
- ✓ To help overcome a performance deficiency
- ✓ When mandated by law or regulation
- ✓ Changes in organization structure
- ✓ To provide backup to another employee
- ✓ To motivate and increase the level of worker interest



Acknowledging Exceptional Performance

- Supervisors can grant cash, honorary, informal recognition or time-off awards without charge to leave or loss of pay (DOJ Order 1200.1)
- Performance Awards – lump sum individual cash awards minimum of \$250 based on performance rating
- Special Act or Service – recognize specific accomplishments – exceeded normal job requirements – minimum \$250
- Time Off Awards – grant time off without charge to leave or loss of pay
 - ✓ 4 hour minimum per event
 - ✓ 40 hour maximum per event
 - ✓ 120 hours per leave year maximum.
 - ✓ Cannot be converted to cash



Acknowledging Exceptional Performance

- On-the-Spot Award – immediate recognition – \$50 minimum.
- JMD Spot Award - non monetary gifts, e.g., pen/ business card holder; key fob, watch, glass paper weight.
- Quality Step Increase – increase in basic pay from one step or rate of the grade to next higher step of grade. Highest level rating of record. One step increase within 52 week period.



Informal Measures of Performance Management

- Counseling (oral and written)
- Four points on counseling:
 1. Explain how work should be done
 2. Give examples of poor performance
 3. Make expectations clear
 4. Document mid-year reviews
- Consider training/other factors (Employee Assistance Program)



Within-Grade Increases

- When to withhold
- How to withhold
- Role they play in performance actions



Formal Measures

- Formal Notice (final performance appraisal):
 - ✓ Employee's performance is unacceptable
 - ✓ Given opportunity to improve
- Performance Improvement Plan (PIP)
- Chapter 75



Advantages/Disadvantages of Performance-Based Actions

Advantages

- ✓ Very low burden of proof (sub evidence)
- ✓ MSPB cannot mitigate the penalty
- ✓ No progressive discipline required

Disadvantages

- ✓ Many legal pitfalls
- ✓ Management intensive
- ✓ Time intensive



DEALING WITH POOR PERFORMANCE



Performance Improvement Plan (PIP)

Supervisor Must:

- State employee's performance is unacceptable
- Identify the critical element(s) needing improvement
- Provide examples of deficiencies
- Identify what is required to reach an acceptable level
- State the duration of PIP
- Advise employee of consequences

Supervisor Should:

- Establish regular meetings
- Identify an alternate for assistance
- Re-evaluate performance at end of PIP



During the PIP, Supervisors Should:

- Consider learning opportunities
- Consider EAP
- Meet with employee
- Give examples of poor performance
- Stay organized
- Offer suggestions on how to improve; how to organize
- Stay in contact with the team
- Be alert to other legal issues (ADA, OWCP)



End of the PIP Period, Supervisors Should:

- Promptly evaluate performance
- Organize PIP documents by critical element
- Seek advice from human resource specialist
- Make a decision



Implementing the Manager's Performance Decision

- Manager determines that employee's performance has improved to acceptable level:
 - ✓ Inform employee that performance has improved to acceptable level
 - ✓ Caution employee that performance in critical elements identified in PIP must be sustained for one year from the date the PIP was issued



Implementing the Manager's Performance Decision

- Manager determines that employee's performance has not improved to acceptable level

- Decide whether to:
 - ✓ Reassign
 - ✓ Demote
 - ✓ Remove



Summary

- Have performance work plans in place with good elements and standards
- Communicate clearly and often
- Use motivation and learning and development strategies
- Use available tools to reward exceptional performance
- Know options to address poor performance



RESOURCES



JMD Human Resources Point of Contact

- Richard Souser, Supervisory Human Resource Specialist,
202-514-0284
Richard.Souser@usdoj.gov

DOJ/JMD Personnel Guidance

- <http://www.usdoj.gov/jmd/ps/newguidance.htm#perf>

OPM Performance Management Guidance

- <http://www.opm.gov/perform/sitemap.asp>

Adverse Actions Seminar

- May 27-May 29, 2009
- <http://justlearn.doj.gov/kc/redirect/redirect.asp?type=course&id=C00015&sec=09-037>