

EMPLOYEE RELATIONS

NOTES

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For the REE Agencies, USDA

Employee Relations Branch, HRD, ARS

Telephone: 301-504-1355

Please do not hesitate to call your servicing specialist for advice at any time on employee relations issues in your office.

Addressing Poor Performance

Dealing with performance problems is a real challenge for all supervisors. Failure to address poor performance of one employee can negatively impact an entire unit. This issue provides information on tools to correct poor performance. The performance appraisal system provides tools to assist managers in:

- ❖ Setting and communicating clear performance expectations
- ❖ Providing regular feedback to employees
- ❖ Holding an employee accountable for his or her individual performance
- ❖ Maintaining productivity
- ❖ Correcting performance problems

Performance Standards

Performance standards provide supervisors an important but often overlooked tool to manage performance and to correct performance problems.

Expectations for successful performance are established by supervisors through employee performance standards.

Employees must be informed of what they will need to do to perform their duties successfully. Performance standards should

be clear, objective, attainable, fair, and communicated. Although employees can provide input into their standards, they do not need to agree with them or to sign them to be communicated. Supervisors set the standards. If an employee refuses to sign the performance document, a witness can concur that the standards were received by the employee.

Although many performance standards often contain generic language, performance standards may be strengthened or explained through additional instruction. You can supplement them using documented oral and written instructions, e-mail messages, memorandums, counseling, and deadlines. Review standards on a regular basis to see if they accurately reflect your expectations. Change them if necessary.

However, be aware that in most instances, employees must work under signed standards for 90 calendar days before receiving a formal evaluation or before formal corrective action may be taken. Please refer to your agency's performance appraisal program policy for guidance.

Communicating Expectations

Many performance problems can be resolved through effective communication between the supervisor and the employee. Regular counseling on performance, i.e., mid-year evaluations, e-mails, and memorandums of instruction, are great supplements to performance standards. Providing feedback can be used as an opportunity to clarify expectations and discuss performance problems.

It is good practice for supervisors to provide employees with performance feedback throughout the appraisal cycle. Performance problems should never be a surprise to employees when it is time to be rated.

Performance Problems

You should communicate your performance expectations orally and in writing, especially if there are noted deficiencies. You must inform the employee what he or she specifically must do to correct poor performance to an acceptable level. Prepare a dated note for the file to document the matters discussed and any assistance offered. Share it with the employee to confirm your mutual understanding of the matters discussed.

A written “performance deficiency notice” can be used to alert employees of performance problems and the need to improve. Contact your Employee Relations (ER) Specialist for assistance.

Critical Elements

Identifying Critical elements is very important because failure to meet a “Fully Successful” level in a Critical element can result in an employee being removed or demoted from his or her position.

A Critical element is a “work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee’s overall performance is unacceptable.”

Critical elements describe work assignments and responsibilities that are within the employee’s control. In most cases, an employee **cannot** be held responsible for a Critical element describing a group’s performance. Performance rules and regulations require each employee have at least one Critical element in his/her performance plan.

Evaluating Performance

A supervisor should observe and evaluate an employee’s performance throughout the performance year. However, in accordance with most agency policies, supervisors may only provide a formal appraisal rating (form AD-435) when that employee has performed the same job under the same performance elements and standards for at least 90 calendar days, and when the employee has had the same supervisor during that time period. Rating periods can be extended if warranted.

Performance Improvement Plans

A Performance Improvement Plan (PIP) is designed to provide an employee the opportunity to bring his/her performance up to an acceptable level. Being placed on a PIP is not considered disciplinary action.

At any point in the performance year, but at least 90 days after receiving performance standards, an employee performing at an unacceptable level in one or more Critical elements must be provided a formal opportunity to improve performance, called

a PIP. Call your ER Specialist for assistance.

To place an employee on a PIP, a supervisor must inform the employee in writing of the critical element(s) which he/she is failing, what is needed to bring the performance up to an acceptable level, what assistance will be provided, and the consequences of failing to improve performance during the PIP.

The duration of the PIP may vary, but cannot be less than 30 calendar days in length. Be sure to document the employee's progress and to provide any appropriate assistance during this period.

Passing/Failing the PIP

The goal of the PIP is to get employees to improve and maintain successful performance. However, if the employee fails to perform acceptably by the end of the PIP, you will initiate action to demote or remove the employee. Federal regulation and agency policy provide for performance-based actions to be taken if an employee "roller coasters," i.e., if an employee improves performance to pass the PIP, and then fails again in the same critical element(s) within 1 year from the start of the PIP. In this case, the employee may be

removed or demoted without being provided another opportunity to improve. Management also has the option to reassign the employee.

Denial of Within-Grade Increase

Once an employee has completed the required waiting period, a within-grade increase (WGI) or "step increase" will automatically be granted if the employee is performing at an acceptable level of competence (ALOC) as determined by the most recent performance rating of record. Supervisors are notified of an employee's WGI due date via form AD-658, Within-Grade Increase Record. If an employee's performance is no longer at the ALOC, a supervisor must work with their ER specialist to initiate action to deny the WGI.

Union Contracts

Labor contracts can provide specific requirements regarding performance appraisals, PIPs, and other performance-based practices. You should become familiar with your labor contract if you are supervising a bargaining unit employee.
