

# Effective Performance Management: Proactive Steps You Can Take to Maximize Employee Performance

By James Harwood – CEO, Total HR

What is good performance management? Good performance management is direct, specific, ongoing and prompt guidance that reinforces strong work, promotes continuous improvement and provides a meaningful opportunity to correct deficient performance. When managers get to the point of terminating an employee for performance, more often than not this comes as a “surprise”, or even a shock, to the person receiving the message. Unfortunately, in some instances these surprise messages have the potential of leading to misdirected claims of discrimination or wrongful termination. Prompt, effective performance management delivered regularly throughout the year is the antidote for maximizing employee performance and minimizing the chances of receiving wrongful termination suits.

## The Law

There are only a few simple rules. Managers must deliver performance management for legitimate, non-discriminatory reasons and without regard to the employee's sex, age, color, race, national origin, age, ancestry, religion, sexual orientation, marital status, disability, veteran status, or gender identity. Managers must base performance messages on reasonable and good faith conclusions about performance, based on their own personal observations and/or the observations and input of others.

Even lawful performance management occasionally generates complaints and issues when delivered unprofessionally, belatedly or out of the blue. Evidence that the manager's performance message was flimsy, false, or wrong permits a jury to conclude circumstantially that the decision was discriminatory – an inference jurors draw more easily if evidence also arises of sexist, ageist, or racist comments or the inconsistent treatment of similarly situated employees in the work group.

Managers should do their best to make performance management and employee development an ongoing focus and year round activity – not a one-time event. This means taking proactive steps to evaluate performance and to provide direct and specific guidance to reinforce good work. Additionally, managers should take advantage of opportunities to provide employees with specific notice about any gap between their performance and their expectations and provide them with an opportunity to remedy deficiencies.

**Regardless of the nature of the issue, all effective performance management rests on five key components:**

1. State what the problem is with some specific examples. Don't simply label, characterize, or summarize the problem without specifics. Provide a specific example of the performance or conduct gap to ensure understanding on the employee's part.
2. Describe the impact that the problem is having on the group, team, task or customer. Ask yourself why the performance or conduct is a problem and then describe the impact of the shortfall carefully for the employee. If the problem is not impacting the group, team, or customer, consider whether the issue is merely a style difference not worthy of performance management.
3. State clearly what your expectation is for continued successful performance and how the employee may improve the problem. Set specific performance criteria.
4. Describe how you will measure the employee's future performance to determine whether he or she has met the expectation. The employee needs to understand how you will make your determination. Is the measurement based on your observation, the employee's production of a certain task or deliverable, or 360 degree feedback and observations of others? The appropriate measurement tool will vary depending on the issue. Ask yourself how you will know whether the employee has met your expectation, and then communicate your measurement methodology to the employee.
5. State what the consequence will be if the performance does not meet your expectation going forward. In the probationary period, for example, continued deficient performance will result in termination of employment and should be so stated. With an exempt employee, the consequence for continued sub par performance may be a performance improvement plan or negative performance evaluation. Make sure the employee understands the significance of the issue or concern and the likely consequence for falling short.

**Total HR has HR management expertise in the area of performance management. Feel free to contact us at 818-248-0049 if you need assistance or coaching with an employee performance issue.**