

Department Head Meeting Agenda

Meeting Date and Time: June 20, 2014 9:30 a.m.
Meeting Location: Commissioners' Hearing Rm, 5th Floor, Co. Office Bldg.
Convener: Joe Fawcett, Assistant County Administrator

Announcement Items

Monthly Safety Subject	July - Violence in the Workplace
Employee Picnic and Safety Fair	262 Registered/35 Exhibitors
Insurance Update	Administration of Wood Lane Plan
Wellness Update	Reimbursement Reminder: July 15 deadline for submission
Upcoming Training	July 16 - Accounts Payable Update at 10 a.m.
Blood Drive	July 23 at Job and Family Services
Employee Handbook Signoffs	

Discussion Item

Performance Reviews	Goals & Objectives
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Two Minute Drill

Next Meeting Date

July 18, 2014	9:30 a.m.	Commissioners' Hearing Room
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Board of County Commissioners

James F. Carter Doris I. Herringshaw, Ed.D. Joel M. Kuhlman



SUMMARY OF DISCUSSION

A meeting of the Department Heads was held on June 20, 2014, in the Commissioners' Hearing Room with the following persons present:

Hearing Room with the following persons present:

Elected Official/Office/Department Representatives

Andrew Snyder	Stephanie Lauwers	Dave Steiner	Jennifer Robeson	Tim Hainen	Lorrie Lewandowski
Wade Gottschalk	Tom Chidester	Lorraine Flick	Brenda Ransom	Dana Nemeth	Michael Fuller
Suzette Hall	Jessica Sautter	Dorrie Cramer-Rumple	Janese Diem	Pamela Boyer	Joe Fawcett

Announcements

Monthly Safety Topic: The July Safety Subject is Violence in the Workplace. Department Heads were asked to share the information with staff when it is distributed. The information is also posted on the employee website.

Employee Picnic and Safety Fair: Janese reported that 262 employees signed in at the registration tent. A total of 35 exhibitors participated.

Insurance Update: Pam announced that the Board of Developmental Disabilities moved to mirror our health insurance plan in regards to plan design and providers. Wood Land will not be joining our plan, but will be administered in the same manner.

Wellness Update: The next quarterly prize drawing is scheduled for the end of June. Employees are reminded to submit paperwork to document completed programs in order to be entered into the drawing. Reimbursement forms are also due by July 15 for those participating in the Fitness Program or Nutrition for Life.

Upcoming Training: An Accounts Payable Update is scheduled for July 16 at 10 a.m. in the Commissioners' Hearing Room. This session will provide a round table discussion for Department Heads and fiscal staff.

Blood Drive: The next blood drive is scheduled for July 23 at Job and Family Services. The mobile donor center will be utilized in the parking lot.

Employee Handbook Signoffs: As a reminder, Department Heads, Elected Officials, and Appointing Authorities are asked to return the handbook sign-off. The form provides space for deviations to the handbook or submission of current policies. This information is shared with the liability insurance carrier as well as the Auditor's Office and Prosecuting Attorney.

Discussion Item

Performance Evaluations: Pam provided an overview of the performance review process. She encouraged departments have an adequate system that incorporates job descriptions, constant management feedback, a process for discipline and a format to summarize performance. She encouraged department heads to set goals and expectations for the upcoming year and to base outcomes on measured objectives. It is also important to make sure the employee and manager sign off on the review and that the employee has the ability to provide comments. Additional information from a recent training is attached to these minutes.

Two Minute Drill

Andrew Snyder (Dog Shelter) reported that the volunteer program is going well. The current adoption rate is at 88 percent.

Tim Hainen (Buildings & Grounds) stated that the East Gypsy Lane Complex asphalt sealing is being completed as the weather permits. He also noted that digital display boards are being installed at the main entrance to the Courthouse and by the office building elevators.

Wade Gottschalk (Economic Development) noted that two projects have been submitted. Several expansion projects are being considered as well.

Dave Steiner (Planning Commission) noted that the selected block grant projects are due to the State today.

Stephanie Lauwers (Child Support) reported that staff will have a booth at the Wood County Fair to promote Child Support Awareness Month. They will also be encouraging employees to wear green to work on August 6 to help raise awareness of child support.

Dorrie Cramer-Rumple (Law Library) provided some outdated books that are now free to a good home or department. Department Heads were encouraged to visit the Law Library to view available books.

Tom Chidester (Court Security) reported that updates to security cameras is underway. A lock down system is also in place should the need arise to lock all exits at one time.

Jessica Sautter (Engineer's Office) provided an update on upcoming road and bridge projects scheduled to start and end.

Brenda Ransom (Records Center) stated that staff has been working on digitizing microfilm. The department also submitted a BWC grant for an order picker to assist with retrieving boxes from higher shelves.

Dana Nemeth (Historical Museum and Center) noted that an archeological dig is taking place on at the site of the old slaughter house.

Suzette Hall (Emergency Management Agency) noted that staff is preparing for a full scale exercise in September.

Jennifer Robeson (Probate Court) stated that the digital audio recording system is now in place.

Lorraine Flick (Wood Lane) noted that staff is gearing up for kids summer camp.

Laurie Lewandowski (ADAMHS) reported that two suicide/depression hotlines are available in the area. One for adults and another for teens.

Michael Fuller (Job and Family Services) noted that the Ohio Department of Job and Family Services has moved its document imaging system to another format. Staff is working on converting documents to the new format. He also thanked those who attended the Elder Abuse Awareness event earlier this month.

Pam Boyer (Commissioners) reminded Commissioners' Department Heads that there is a process to have outdated position descriptions reviewed.

Joe Fawcett (Commissioners/Solid Waste Management District) reported that budget documents are being prepared for distribution. He reminded Department Heads when submitting this year's requests that they need to reduce their salary line items by the lump sum payment amount from earlier this year.

The next Department Head meeting will be held in the Commissioners' Hearing Room on **July 18, 2014, at 9:30 a.m.**

cc: BCC Elected Officials and Department Heads
Steve Spirn file

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INTRODUCING YOUR FLIGHT CREW –
TODAY'S MULTIGENERATIONAL WORKFORCE

I. THE MODERN WORKFORCE

A. Traditionalists (born before 1945).

Also referred to as the “silent generation,” this generation believes in building a lifetime career with a single employer and expects employers to take care of them in return.

Typical Characteristics:

1. Respect authority and adhere well to “the rules” – tend to avoid confrontation.
2. Like and expect a hierarchal work structure.
3. Pride themselves on being hard workers.
4. Work is an obligation and seniority deserves respect.
5. “No news is good news,” so if called into a meeting, they initially believe it is for a negative reason.

B. Baby Boomers (born between 1946-1964).

Having a career and achieving professional accomplishments are important to this generation. This generation has a high percentage of “workaholics” and it thrives on competition. One reason given for the competitive drive of this generation is likely due to seeing their parents (“silent generation”) struggle for work and the fact that this “boom” of employees found it necessary to fight for the available jobs.

Typical Characteristics:

1. Due to growing up in time of reform, they question authority and are not afraid of confrontation.
2. Tend to lean to a less formal, hierarchal structure and are open to being “team players” but do expect to report to the office/workplace.
3. Expect co-workers to “work hard” by putting in the hours that they do.
4. Communicate best one-on-one, tend to hold lots of meetings as a result.
5. Dislikes and is negative toward working from home/flexible schedules.

“live to work”



C. Generation X (born between 1965-1980).

As children of “workaholic” boomers, this generation grew up as latch key kids in the two-income family setting. Born into households where work-life was unbalanced, this generation tends to seek employment that will permit them to strike a balance between work and life that they often did not see their parents have.

Typical Characterizes:

1. After seeing their parents downsized after years on a job, this group believes in gaining transferable skills and are cautious about investing in long term relationships with employers.
2. This group constantly re-evaluates its career paths and is not afraid to change careers when perceived needed.
3. Tend to be independent and entrepreneurial.
4. While not afraid to work longer hours when necessary, this group tends to focus on “working smarter” to avoid having to consistently work longer hours.
5. Enjoys having freedom and discretion at work – including flexible work schedules.
6. Prefers immediate feedback and is more apt to communicate by e-mail rather than in-person meetings.

D. Millennials (born between 1981-1999).

Also known as “Generation Y,” this group craves workplace balance like Generation X. Also, like Generation X, this group tends to be entrepreneurial. However, unlike Generation X, work is seen often as a “means to an end” and places more focus on life outside of work/social life.

Typical Characteristics:

1. This generation grew up multi-tasking and using computers so technology is important and they rely on it for almost everything.
2. Prefer to communicate through technology instead on in-person.
3. Prefer instant recognition and feedback (after all, they get all information they want instantly from Google so why would the workplace be any different?)
4. Often perceived as impatient and “not wanting to put the time in”
5. Tend to live for the moment and not afraid to speak their minds.

6. Expect flexible workplaces and enjoys telecommuting.

BUILDING THE ROCKET – MANAGING AND REWARDING A MULTI-GENERATIONAL WORKFORCE

I. HOW DOES A MANAGER “MANAGE” SUCH A DIVERSE WORKFORCE?

A. Make the “Reward” Fit the Generation.

Regardless of the generation, carrots are better than sticks to motivate your employees. However, certain carrots taste better to different generations. Generally, the following guidelines will help decide which reward works better for the various generations:

1. Traditionalists: This group tends to understand the value of work and does not normally need to be motivated. However, they grew up with a culture steeped in formality and rewarding seniority. Therefore, public recognition (think wall plaques and “employee of the month”) works well. Further, rewards recognizing years of service go over well for this group.
2. Baby Boomers: Also tend to like recognition ceremonies; however, they like to be recognized for their hard work as opposed to seniority. Also, personal recognition along with the public acknowledgement goes a long way (think visa gift cards and theater tickets thanking them for their effort).
3. Generation X: This group is less formal than the preceding generations (“casual Fridays”) and tends to like company golf outings and social events as a motivator or “team building” exercise. When rewards are provided, trendy or name-brand prizes work effectively (think an iTunes or Starbucks gift card).
4. Millennials: Tend to place the greatest emphasis on work-life balance out of all other generations. Therefore, rewarding these employees with the ability to work from home or by providing an extra personal day or floating holiday gets better results than formal rewards, prizes, acknowledgement.

B. Provide a Rewarding Work Environment.

1. Traditionalists:
 - a. They are inclined to respect rank, so they tend to have no problem following management’s orders. Mutual respect goes a long way.
 - b. Reluctant to embrace new technology so patience and training will be needed in this area. Also, face-to-face communication will be best as opposed to email.

- c. Duty and sacrifice are important to them and they get pride out of a job well done. So, sharing results of their effort and instilling pride in the employer are helpful.
2. Baby Boomers:
 - a. Tend to be committed to work and appreciate a mission to align themselves with.
 - b. Communication through meetings are preferred and providing chance for them to offer input in the meeting is appreciated (think competitive nature again).
 - c. Appreciate personal attention and one-on-one communications that speak to the individual's worth ("We need your expertise on this..." or "We value your work on this...").
 3. Gen X:
 - a. Motivated by Supervisor and Co-worker respect.
 - b. Provide honest, timely feedback when errors made or recognition deserved.
 - c. Provide time to enjoy life outside of work.
 - d. Need autonomy when doing job (no micro-managing).
 4. Millennials:
 - a. Provide technical assignments (love technology).
 - b. Enjoy teambuilding and collaboration (team projects).
 - c. Opportunity to work toward team/group goals.
 - d. Supervisors who "listen" and open to trying new things (sometimes this is perceived as impatience and complaining when it is not).
 5. Both Gen X and Millennials:
 - a. Take time and notice/comment on their successful efforts (#1 reason they leave is feeling unappreciated).
 - b. Show you take interest in them individually (do you know spouse's name, children, birthdays, etc.).
 - c. Don't wait to provide performance feedback until the yearly review (they want to know more frequently – especially Millennials).

- i. Both will require factual support for poor performance and expect rationale to support unexpected rankings.
- ii. X'ers (a cynical group by nature) may meet high levels of praise with suspicion or as being "fake." Conversely, they tend to expect some areas of improvement to be mentioned.
- iii. Millennials may prove to have a harder time with negative feedback as a product of their generational upbringing ("your special," everyone wins, high praise/reward culture and "helicopter parents").

C. Leadership Attributes Millennials Respect.

1. Be the leader: Unlike Gen X, this generation has grown up with structure and supervision with parents as role models. They look for leaders who are honest and have integrity.
2. Team environment: Managers need to encourage a team approach to work. Millennials show a heightened interest in being friends with co-workers. Therefore, a manager who can provide social aspects of work to develop friendships will likely be rewarded.
3. Challenge: Millennials can find an answer to almost anything quickly through their smart phone. Therefore, they like a challenge and the opportunity to try new things to develop and grow their career.
4. Respect: Millennials have no problem voicing their opinions but tend to respond very unfavorably when they perceive their ideas get no respect or consideration.
5. Flexible: Rigid schedules tend to turn off this "busiest generation ever" (soccer camp, ballet, and other scheduled events left little unstructured time).

PUTTING A MAN ON THE MOON – THROUGH EFFECTIVE PERFORMANCE EVALUATIONS

I. ALL GENERATIONS EXPECT TO HAVE PERFORMANCE REVIEWS

- A. Research shows that, for all their differences, a majority of all generations desire, expect, and (in some instances) absolutely need performance feedback.
- B. The main difference is the frequency of feedback expected or desired. Traditionalists and Baby Boomers trend towards an annual evaluation while Generation X trends toward bi-annually evaluations or annual "reviews" but immediate input whenever performance fails to meet objectives. Millennials have trended towards a need for constant reinforcement and immediate notification of both good and poor performance (research shows an annual review alone will not be sufficient to meet this group's needs).

- C. All generations also have voiced similar issues surrounding what is a good and poor approach to conducting evaluations.
- D. The good news for HR is that, while statistics indicate that there are generational differences impacting how to manage and reward employees, the performance evaluation process, and desire for it, remains remarkably consistent.
- E. Therefore, the key to “reaching the moon” is ensuring that you develop and engineer an effective performance evaluation process.

II. WHAT IS A PERFORMANCE EVALUATION “SYSTEM”?

A. Working Definition.

1. A performance appraisal or evaluation has been succinctly defined as, “the **process** of establishing a **written standard of performance criteria** and both telling employees about those standards and **frequently informing** them how they are performing in relation to the standards.” See Donald W. Myers, HUMAN RESOURCES MANAGEMENT 310 (2d ed. 1992). (emphasis added).
2. Therefore, the performance evaluation should be construed as a part of an overall performance system. That “system” is made up of the following components:
 - a. The **Job Description** (provides a blueprint of the basic performance requirements).
 - b. **Continual Management Feedback** during the year (provides frequent notice of defective or positive performance).
 - c. **Discipline** (provides immediate notice that employee has failed to correct defective performance or has failed to meet the basic performance requirements).
 - d. The **Performance Evaluation** (provides an annual performance recap and sets future projections).

B. When Performance Management is Done Right, We Can Put a Man on the Moon!!

1. The Story: During a visit to the NASA space center in 1962, President Kennedy noticed a janitor working diligently. He was said to have interrupted his tour, walked over to the man and said, “Hi, I’m Jack Kennedy. What do you do here?”

The janitor responded, “I’m helping put a man on the moon, Mr. President.”

2. The janitor did not see his performance as just impacting cleanliness. He knew that the failure to perform his function impacted the Mission and Core Values of the entire organization. NASA employees bought in to the Performance Evaluation “System” and it drove them to put a man on the moon!

III. THE PERFORMANCE EVALUATION COMPONENTS AND ERRORS

A. Core Performance Standards.

1. The standard performance evaluation: The simplest and most effective way to establish sufficient documentation for an employment-related decision is to put in place a system of standard performance appraisals and evaluations. Performance evaluations are of the utmost importance from a personnel administration standpoint for this reason. If these evaluations and appraisals are conducted properly, they can accurately communicate management's opinion of a particular employee's performance. Evaluations often identify performance problems and encourage employees to improve or exceed performance standards without the imposition of the other part of the performance system - discipline.
2. Tying performance evaluations to core values: While the performance evaluation standards will surely evaluate how well an employee is meeting the basic job functions set forth in their job description, the performance evaluation standards should also tie directly to the core values of the department. If a department makes the mistake of failing to link the desired behaviors of the employees to these measurable performance standards, the resulting performance evaluations could be seriously flawed.
 - a. When creating a system of core value performance standards, the following considerations should be kept in mind:
 - i. Describe the core values that are important for your department and the goals that need to be reached by the department.
 - ii. Positively support actions that reflect the department's values and reinforce the department's policies.
 - iii. React appropriately and promptly when the department's values or policies are violated.
 - b. Supervisors should pay special attention to the core value evaluation criteria established in performance evaluations for the employees under their control. It is also critically important that performance standards be revised in response to the changing needs and demands on the department.
 - c. Sample Core Values:
 - i. Quality Improvement: the core focus is on efficiency, quality, and accuracy of work.
 - ii. Leadership: the core focus is on responsibility for work, trust, credibility, honest and ethical behavior.

- iii. **Communication:** the core focus is relationship building, active listening, sharing of information, demonstration of effective oral and written skills.
- iv. **Planning/Organizing:** the core focus is on achieving departmental objectives/plans in a timely fashion, reflecting decision-making skills, the ability to set goals and priorities, ability to meet individual goals, and distinguish between relevant and irrelevant information.
- v. **Respect/Inclusiveness:** the core focus is on respecting co-workers and customers, promoting fairness and equity, engaging the talents/skills of others.
- vi. **Service:** the core focus is on effectiveness with customers and coworkers, promoting a service mentality, ability to turn negatives into positives when faced with a stressful situation, displaying cool under fire, and the ability to resolve stressful situations in a positive manner.
- vii. **Safety:** the core focus is on reduction of injuries and risk, continual planning for safety of customers and others.

B. The Most Common Evaluation Errors to Avoid.

1. **Duties poorly communicated:** What is the employee supposed to be doing with his/her time? Has he/she been told that?
 - a. **Vagueness of standards.** If you want 100 applications processed per month, say so. If processing less than 100 applications per month will get the employee fired, say so.
 - b. **Appraisals are late or done sporadically.** This makes the employer look sloppy or uninterested. It allows the employee to argue that “no news is good news.”
 - c. **Employee surprise.** The formal evaluation should be a summary of communication that has gone on, and has been documented, throughout the rating period. It should not come as a shock.
 - d. **Lack of employee buy-in.** The employee does not have to agree with everything the supervisor presents. The employee should know that his/her viewpoint will be heard and that the evaluation is based on specific job related behaviors.
2. **Rater errors:** Yes, management, as the raters, can cause the evaluation process to be polluted and unreliable if they engage in errors, including:
 - a. **Primacy/Recency.** People tend to remember their first impression or their most recent impression of others. Supervisors need to be aware of this tendency as the evaluation should be based on performance throughout the rating period.

- b. **Leniency.** This is often “the desire to be nice,” or “the desire to be liked.” It is more often a desire to avoid confrontation. The antidote is a dose of preparation. It is easier to be candid when you are dealing in facts and not just subjective conclusions.
 - c. **Central tendency.** Related to leniency, this is the tendency to rate a “good” or “average” employee as good or average in all categories instead of making critical distinctions. Rarely is an employee mediocre in everything, instead the employee is good at some things, not so good at others.
 - d. **Halo/Horns.** This is the tendency to allow one characteristic or behavior that you really like/dislike about a person to affect the ratings in all other rating areas.
 - e. **Be like me/“Minnie-me” Effect.** Statistics show that persons of all races, genders, nationalities, and backgrounds tend to engage in this behavior even subconsciously. The more you perceive someone as being like you, the more you tend to like him or her and the higher you rate him or her. This also encompasses circumstances when the employee is the supervisor’s close, personal friend as well. Acknowledging this inherent error is the beginning to solving the error.
 - f. **Inflation:** This occurs when supervisors indifferently rate even the worst employee “fair” or “good,” rate an average employee “excellent,” and rate an above-average employee in such a praising manner that it is almost impossible that the employee performed as well as evaluated.
 - g. **Length of Service Bias:** This is a supervisor’s tendency to assume that a long-term employee is continuing to perform the way he or she always has, or, worse that an employee’s performance is increasing due to length of service. Objective criteria is key.
 - h. **Morally Malignant:** Although perhaps unintentional, this includes using irrelevant traits or stereotypes, such as gender and race, to evaluate an employee.
3. **Reducing rater errors:** It is recommended that employers use a check-and-balance system that provides a second-eye to review the proposed evaluation prior to providing it to the employees (such as HR or another manager). They can help catch possible indications of a rater error. ***The Best Protection Against Rater Errors is Rater Training!!***
 4. **Inadequate documentation:** If your evaluation system does not effectively rate or document the applicable employment standards, the evaluation system is plagued with error. To eliminate the errors of inadequate documentation:
 - a. **Establish performance standards** that are based on what needs to be done not on the person who will be doing them.
 - b. **Evaluate consistently** between and among employees.

- c. Employees should ~~sign-off~~ on the appraisal and be given a copy.
- d. Set specific job-related ~~future goals~~ that form part of the next evaluation. It should be a continuum, not a series of isolated events.
- e. Complete the evaluation form **legibly**, sign and date it.
- f. The form should state the evaluation period and all documentation should be within that period.
- g. Stick with the facts you can actually support.
- h. What's on the paper should be consistent with what you say, don't undermine the form by sugarcoating the message.

C. Most Common Evaluation Methods.

In attempting to reduce errors associated with subjectivity and inaccuracy in performance evaluations, employers have devised many different methods of appraising and evaluating their employees. The choice of the method depends heavily on the nature of the employer and its employees. It is typical for employers to use a combination of methods in order to obtain even greater objectivity and feedback. The following is a non-exclusive list of the most common methods of performance evaluations:

1. Rating scales method.
 - a. The most common type of performance evaluation, this method simply requires the supervisor to check or assign a scaled rating to the employee's productivity, quality of work, job knowledge, and other important core criteria.
 - b. There is typically little information provided as to why the supervisor ranked the employee's performance in a particular manner.
 - c. Employers and supervisors using this method should be aware that this type of method is particularly prone to unintentional rater errors, and may lack validity when the criteria against which the employee is measured is not directly related to performance.
2. Ranking method.
 - a. Requires the supervisor to rank employees from best to worst, based on the employees' overall job performance.
 - b. If the employees in question perform repetitive tasks, this type of method can be misleading.

- c. This method is also subject to the same errors noted above, including allowing the supervisor to disguise intentional inaccuracy, which can later be the source of an employment discrimination claim.
3. Checklist method.
 - a. Using this performance evaluation method, the supervisor reviews a list of descriptive statements and marks those that the rater believes to be the best characteristics of the employee. (EX: Does the employee command respect? – Does the employee help his peers?)
 - b. This can be combined with a rating scale to register the relative intensity of a particular job statement to a particular employee.
 - c. These checklists can be susceptible to being broad and unspecific. Hence, it is not always easy to ascertain why a supervisor chose certain “checks.”
 4. Forced distribution method.
 - a. Raters evaluate employees in proportion to a normal bell curve. A normal distribution would require supervisors to rank a very small percentage of employees (5-8%) at the highest level, and an equal percentage at the lowest level. A large segment (normally 15%) is ranked at a good but intermediate level, and a corresponding percentage of employees are ranked at a poor, intermediate level. The majority of employees are ranked as average (60%).
 - b. A typical problem surrounding the forced distribution method is that there may not be enough employees at a specific rank or in a specific department or unit to reach an accurate bell curve.
 - c. Also, this method does not allow the supervisor to explain their reasons for ranking an employee where he or she was ranked, and the supervisor is insulated from administrative review of his decision. It also forces the supervisor to place employees into pre-established “categories” that may influence the employee’s annual pay.
 5. Essay method.
 - a. In this method, the supervisor writes a narrative description of the employee’s performance. These are generally the most substantive of types of performance evaluations.
 - b. However, the essay method runs the risk of being inaccurate, as many supervisors will dislike writing long descriptions of an employee’s conduct. In turn, this type of performance evaluation tends to be verbose, repetitive, and misleading. Without strong supervisory buy-in, they are prone to error.

6. Critical incidents method.

- a. This method requires the supervisor to relate specific incidents that occurred during the appraisal period as examples of positive or negative conduct and job performance.
- b. The supervisor using this method is normally required to document and verify the behavior immediately after it occurs.
- c. This method can easily be adapted to other methods as a performance discussion tool for each core performance area.

7. Management by objectives.

- a. Here, the appraisal is based upon predetermined objectives which are decided upon and agreed upon jointly by the supervisor and employee. It is a process of goal setting and feedback.
- b. This process introduces greater objectivity in the evaluation process. The employee is aware of what is expected and can focus their attention towards the goals set since that will be the basis of their next evaluation.
- c. Employees participate in the process and, generally, obtain a sense of “ownership” in the outcome of their performance.
- d. This method does not work well in positions that are more routine and lack the ability to grow or evolve (such as line workers).

8. 360 degree feedback.

- a. This method requires the employee to receive feedback from their supervisor, their peers and subordinates (if applicable).
- b. Brings in more objectivity since different aspects of the employment relationship are considered.
- c. Negative aspect is that this lends itself to management employees trying to “please” their subordinates in order to receive a favorable review from them instead of making important management decisions.
- d. This also may lend itself to error from employee reviewers who may not want to say anything negative about their boss.

9. Self survey.

- a. This approach asks the employee to rate themselves by answering questions regarding their performance throughout the year.

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- b. This process should be used in conjunction with other methods. It will help reveal if a supervisor and employee are on the “same page” with performance and as to what was seen as important by the employee throughout the past review period.
- c. This is helpful when a supervisor has many employees and may not know everything that the subordinate did throughout the year (such as when the employee is not a direct report or the job maintains some autonomy).
- d. Negatives are what the employee tends to paint the employment picture in a positive light so verification of statements will be necessary. This should never be the sole evaluation process.

10. Unstructured method:

- a. When the process does not follow any process or structure at all. It is based solely upon the description of the employee as provided through the subjective eyes of the supervisor. This is very subjective and, hence, VERY risky!! (especially if it is orally provided and if the supervisor has not written down/discussed performance issues throughout the year with their employee).

IV. APPRAISALS IMPACT ON EMPLOYMENT CLAIMS

A. How Evaluations And Discrimination Claims Are Related.

- 1. An overview of the law: For more than twenty years, the Supreme Court has implicitly accepted good performance appraisals as proof of an employee’s solid work performance. *See Goldman v. Weinberger*, 475 U.S. 503, 512 (1986).

In Goldman, the Court noted the employee’s extremely high performance ratings before an adverse employment action was taken. *See also, Patsy v. Florida Board of Regents*, 457 U.S. 496, 498 (1982) (where the Court also noted the consistently excellent performance evaluations of the employee who was rejected for at least 13 promotional positions) In interpreting Goldman, the lower federal courts have encouraged the use of an employee’s performance evaluation history as evidence in an employment discrimination claim. *See Hill v. Judson Retirement Community*, 775 F.Supp. 1090, 1094 (N.D. Ohio, 1991) and Davies v. Philip Morris, USA, 863 F.Supp. 1430, 1438 (D. Colo. 1994). The inference is that absent contrary evidence, an employee who has received only positive performance evaluations would not be fired but for a discriminatory reason.

- a. One federal court has held that past positive performance evaluations, standing alone, are sufficient to establish a prima facie case of discrimination. *See Ryther v. KARE II*, 864 F.Supp. 1510, 1517-18 (D. Minn. 1994).
- b. Another federal court has held that an extremely recent, positive appraisal is sufficient to establish discrimination. *See Johnson v. Group Health Plan*, 61 Fair Empl. Prac. Cas., (BNA) 1591, 1594 (8th Cir. 1993).



2. Disparate treatment claims generally: Most often, employment discrimination suits arise on a theory of disparate treatment. The employees claim that their employer treated them less favorably than other employees were treated because of a protected characteristic like race, sex, national origin, religion, age, or disability. The question then becomes the employer's motivation for making the employment decision.

The United States Supreme Court in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), established the shifting burdens of proof that each side must bear in a Title VII action. The plaintiff must establish a prima facie case of discrimination, and if so, the burden shifts to the employer to demonstrate a non-discriminatory reason for the adverse employment action. Then, the plaintiff may show that the defendant's reason is a pretext for discrimination.

Supervisors stand in the special position of being able to eliminate many of these potential employment-related discrimination claims. The most effective way for an employer to influence the outcome of these claims before they arise is to have a clearly established paper trail, in the form of performance evaluations and applicable written discipline that the employer can use as documentary evidence to support any employment decision.

B. The Importance Of Accurate And Honest Performance Evaluations.

1. The performance appraisal as the employee's "sword". Employees can use "good" appraisals to prove that the employer's proffered reasons for an adverse employment action are pre-textual.
 - a. McKenzie v. Dovala, Case No. 99-8084 (10th Cir. 2001).

Facts:

- McKenzie worked as a deputy sheriff for 10 years. She reached the rank of sergeant with the organization and never had a negative performance evaluation. However, the plaintiff suffered from a variety of psychological afflictions, including post-traumatic stress disorder related to childhood sexual abuse by her father. She began to miss work, and was later placed on administrative leave after she fired six rounds from her revolver into the ground at her father's grave.
- The plaintiff claimed the defendant refused to rehire her after she received medical treatment because he regarded her as disabled under the Americans with Disabilities Act.

Holding:

- The appellate court, in overruling the trial court's granting of the employer's motion for summary judgment, stated that the plaintiff had set forth a genuine issue of material fact. The court held that a jury could find that the employer had refused to consider her for a job in her former workplace, **despite 10 years of**

positive performance evaluations, because the employer regarded her as psychologically disabled and unable to return to her former position.

- b. Bryan v. City of Toledo, 2000 Ohio App. LEXIS 424 (6th Dist. Ct. App., Lucas Cnty.).

Facts:

- The plaintiff was employed as a police officer for the City of Toledo for over 30 years when he was temporarily off-duty for a medical condition. When he returned to work, he was assigned light desk duty. The plaintiff claimed this reassignment was due to his age and disability, and filed a claim with the Ohio Civil Rights Commission. The plaintiff was then later disciplined for below-average performance. After this discipline, the plaintiff filed suit against the City.
- The employer claimed that the plaintiff's reassignment was not an adverse employment action, and that it based its decision on plaintiff's "below par" job performance. The employer argued that it tried several times to discuss the plaintiff's sub-par work performance, although there was no indication that the employee ever received a negative performance evaluation.

Holding:

- The appellate court overruled the trial court's granting of summary judgment favor of the employer. The appellate court stated that the plaintiff had presented sufficient evidence that he was reassigned to a less-desirable position based on his age and medical disability. Although the court acknowledged that the plaintiff did make some errors in his work, there was a genuine issue of material fact that the employer had disciplined the plaintiff as a pre-text for discrimination.
- The court was also concerned that the employee in question had been counseled repeatedly by his supervisor, but had **never received a negative performance evaluation**. (****Shows the importance of a "system" that ties discipline to the performance evaluations*)

- c. Giacoletto v. Amax Zine Co., 954 F.2d 424 (7th Cir. 1992).

Facts:

- The employer claimed Giacioletto had poor interpersonal skills, but Giacioletto claimed he was actually fired because of his age in violation of the Age Discrimination in Employment Act.

Holding:

- The court held that **performance evaluations showed** that the plaintiff was an effective manager, despite the department's poor productivity.



- The court also cautioned that employers take a big risk when they make employment decisions based on subjective personality qualities. If employers choose to follow this route, they must have standard procedures and measurements in their evaluations. Otherwise, the **subjective reasons the employer uses may be considered pretext** for discrimination. (**** shows the importance of listing “core values” in the evaluation – here, a core value for rating could have been interpersonal skills*)

d. Siegel v. Alpha Wire Corp., 894 F.2d 50 (3rd Cir. 1990).

Facts:

- Plaintiff received above-average performance appraisals, while the division of the corporation sustained substantial losses under her watch.
- The plaintiff claimed she had been terminated in violation of the ADEA, due to the fact that a much younger replacement had been hired, accompanied by several age-related statements on the part of her employer.

Holding:

- The court held there was sufficient evidence to establish the plaintiff’s claim, and reasoned that **inconsistent performance appraisals** before and after plaintiff’s termination may support an inference of pretext.
2. The performance appraisal as the employer’s “**shield**”. Conversely, an employee’s “poor” performance documented through an effective evaluation system can defeat a later wrongful discharge claim.

a. Haynie v. St. Mary’s County, 2000 U.S. Dist. LEXIS 2479 (D. Maryland, 2001).

Facts:

- The plaintiff was a female deputy sheriff. She claimed she was not promoted because of her gender, and was retaliated against for filing a discrimination complaint.
- The employer moved for summary judgment, claiming that she had failed to rebut their legitimate reason for not promoting her to corporal.
- The Employer used a candidate promotion list ranking system, based on scores obtained in previous performance evaluations, and the plaintiff ranked lower on that list than all officers who were promoted.

Holding:

- The court held that the plaintiff failed to show she was equally or better qualified for the position than most other applicants, nor was she able to show that the

employer did not substantially rely on the ranking list in making their promotion decisions.

- Because she failed to show that employer's non-discriminatory reason for not promoting her (her low rating) was pretext for discrimination, the court dismissed the plaintiff's claim.

b. Hairston v. Gainesville Sun Publishing Co., 9 F.3d 913 (11th Cir. 1993).

Facts:

- The plaintiff worked as a sports-writer for the defendant newspaper. He was later terminated on the basis of several poor performance evaluations. The plaintiff introduced at trial evidence that, prior to the filing of his complaints, he regularly received above average performance evaluations.
- However, immediately preceding and following his filing of his administrative complaints, he had received numerous unfavorable performance evaluations and was subject to increased scrutiny and harassment from his supervisors.

Holding:

- The appellate court reversed and remanded, holding that **if the employer could prove performance evaluations could be substantiated by evidence of his actual poor work performance**, such incidents would **weigh heavily in favor of the employer** on the pretext issue. (****highlights importance of linking discipline to evaluations*)

c. Fox v. Certainteed Corporation, 1999 U.S. App. LEXIS 31959 (6th Cir. 1999).

Facts:

- The plaintiff was employed for seven years as a financial analyst for the defendant employer when he was terminated. The plaintiff claimed he was discharged in retaliation for his opposition to the treatment of another employee, whom he felt was being discriminated against on the basis of his age.
- The plaintiff received several negative performance evaluations, beginning in 1992, when his performance was ranked as "average" and placing him in the bottom 10% of employees in his area, mostly for failing to complete assigned tasks. He then rebounded slightly in the following years and received ratings of "average +." However, after several discussions with the plaintiff regarding his poor work performance, the employer decided to replace plaintiff.

Holding:

- The 6th Circuit Court of Appeals held that the plaintiff had failed to establish either the causal connection required for a prima facie case, or that the

defendant's articulated non-discriminatory reasons were pretext for discrimination.

- The court found that the plaintiff was not meeting his employer's legitimate expectations at the time of his discharge, regardless of his opposition to similar treatment of another employee, and used his **negative performance appraisals as evidence of this.**

V. RECOMMENDATIONS FOR CONDUCTING PROPER PERFORMANCE REVIEWS

A. Do Not Be Afraid To Give Negative Evaluations.

Supervisors must be aware that many potential problems can arise from inconsistent or inaccurate employee evaluations. Positive evaluations given when the employee's work performance was substantially less than glowing can cause a substantial negative impact when employment-related litigation arises. Therefore, be sure to discuss inappropriate performance (including inappropriate behavior). However, don't be lulled into providing "opinions or conclusions" as to why you believe an employee is behaving a certain way. Simply focus on the defective performance not the person.

B. Stick With What Works – Use A Standard Form/Procedure.

By developing and using standard forms, employees are more likely to know what job performance is expected of them, while giving them a standard to look to for improvement. However, the form should be flexible enough so that comments or narratives which are appropriate to the position can be explained or made. A supervisor must also be able to explain the purpose for each rating and category listed on the form.

The evaluation procedure should always be linked to a well-drafted and current job description and should always review and discuss any previous discipline provided throughout the review period and what is being done to ensure compliance in the future.

C. Be Honest And Specific.

Review examples of proper and improper employee performance/conduct as guidelines. Honestly evaluate employees on a regular basis throughout the review period, for not only the purpose of avoiding litigation, but also simply to improve the overall work product. Employees need the feedback throughout the year, not just at annual review time. The annual performance evaluation should not be the first time that an employee is told of a performance issue.

While providing suggestions to the employee on improving performance, the supervisor should **specifically describe** the performance measures, and set higher performance goals in order to accomplish better employee performance. Therefore, if an employee later brings a wrongful termination or discrimination claim, the employer would then be able to show how the terminated employee did not meet the set objective performance standard.

D. Be Prepared.

Use a personal outline of the structure of the evaluation interview, highlighting the points/topics you want to cover and ALWAYS ending on a positive note. Ending on a positive note and reformatting the “action plan” (e.g. what the employee’s goals are for the new review period) is crucial. It is important to follow-up with employees to see how the action plan is proceeding within the timelines established.

Some basic rules are; (1) don’t postpone or cancel the review so that the employee knows it is important; (2) schedule adequate time and don’t allow interruptions; (3) allow plenty of time for two-way communication; and (4) remember to LISTEN when the employee disagrees - - you may learn something useful!!

E. Review Performance Evaluations Before Providing Them To An Employee.

Very few characteristics of a supervisor are more important than being consistent, fair, and uniform in implementing their department’s employment-related rules and procedures. In order to accomplish this, a supervisor should carefully review performance evaluations before they are actually presented to the employee, which includes having the evaluation reviewed by the rater’s supervisor. Undertaking this type of review will detect any discriminatory or inappropriate evaluations of an employee, like referencing non job-related criteria or referencing a protected class in the evaluation.

F. Conduct Regular Audits Of Your Performance Evaluation Process.

In reviewing your performance evaluation system, ask the following questions:

1. Does the employer have a standard policy/procedure?
2. Are evaluations consistently conducted based upon an established timeline?
3. Is the employer using valid job-related standards and core criteria to evaluate employees?
4. Are employees advised of the performance standards for which they will be evaluated?
5. Are evaluations reviewed by the next level of supervision (and/or HR) prior to review with the employee in order to avoid errors, biases, and unfair evaluations?
6. Do employees have the ability to review and discuss their evaluation with supervisors?
7. Are employees given an opportunity to add their own comments on the evaluation?
8. Are employees required to sign the evaluation to acknowledge that the evaluation has been reviewed with them?
9. Are promotions/transfers based upon performance ratings?

Affirmative answers to the above questions indicate a successful evaluation system is likely in place.

VI. CONCLUSION

Supervisors today face the challenge of managing employees from up to four different generations, each with their own unique and generational expectations and outlooks concerning work. While acknowledging that each employee is unique, having an understanding of the basic differences among the generations can assist supervisors in understanding how to more effectively manage and reward their employees. Since all generations statistically value performance evaluations, supervisors must also understand the importance of providing accurate evaluations in order to ensure an efficient and productive multigenerational workforce and to avoid problems that can arise in the context of employment litigation when evaluations have not been properly conducted. Supervisors must appreciate the role of the evaluation in the continual production of evidence and in order to make a valid decision regarding ongoing employment. An employer who can document consistent criticism of an employee's performance over time has a strong defense to a later wrongful discharge or discrimination claim.