

EFFECTIVE USE OF PERFORMANCE IMPROVEMENT PLANS

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Performance Management



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WHAT COMES BEFORE A PERFORMANCE IMPROVEMENT PLAN?

- **Documentation of the problems leading up to the PIP**
- **That documentation should be factual, objective and detailed and should include:**
 - **Dates, description of performance issues, description of expected performance, and detailed description of actual performance. If specific rules have been violated, they should be included. Disciplinary sanctions should be specifically stated and the employee should be warned that any future conduct of this nature will result in disciplinary action, up to and including termination.**

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- **Have a conversation with the employee. Conduct a candid, in-person conference with the employee so he or she knows your point of view and has an opportunity to acknowledge the problem or explain why they disagree. Make sure to listen. Explain how the behavior affects the workplace as a whole.**

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WHEN TO USE A PERFORMANCE IMPROVEMENT PLAN?

- **For cause employment**
- **At-will employment**
- **Reality is . . .**
- **Protected class membership, whistle-blowing, FMLA leave, protected activity, workers comp claim, etc.**

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INTRODUCTORY LANGUAGE

BASIC

The purpose of this document is to identify performance deficiencies and provide a clear and concise mechanism for improving performance to a standard which meets expectations. A review with _____ will occur on May _ 2018, to evaluate the progress. Should it be determined that the overall performance continues at a level which does not meet our expectations, your employment will be terminated. If your performance has improved and your employment continues, please understand that our expectations will not change after the completion of the one month period and the outlined performance standards listed will continue to be expected throughout your employment.

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MORE DETAILED/EXECUTIVE

Over the last year, you have demonstrated deficiencies in your work as _____. These demonstrated deficiencies were brought to your attention verbally and in writing _____, and additional issues have been brought to your attention in _____.

The deficiencies are serious and must be rectified immediately.

This Disciplinary Action and Performance Improvement Plan is effective immediately and will be first reviewed in 60 days. Your compliance with this Plan will be reviewed by _____.

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At each review, we may conclude any of the following:

1. That implementation of this phase of the Disciplinary Action and Performance Improvement Plan has been successful. In such a case, improvement will be expected to be maintained on a continuing and ongoing basis, with no end date. Should performance decline, the company reserves the right to take any and all disciplinary action, up to and including termination;
2. That performance goals were not met, or directives set forth in this document and elsewhere were not followed, in which case we reserve the right to recommend action up to and including termination;

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3. While progress is being made toward the accomplishment of the expectations set forth in this plan, and progress is being made in following directives sufficient to continue your employment, additional directives may be added or time frames extended in order to fully achieve the stated expectations.

You may at any time during the term of this Disciplinary Action and Performance Improvement Plan you may elect to voluntarily resign.

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DISCIPLINARY ACTION PLAN COMPONENTS

- **A PIP may have a disciplinary component or it may be just a performance improvement plan**
- **If disciplinary action is taken, the disciplinary action plan components should be included.**

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DISCIPLINARY ACTION PLAN COMPONENT #1

1. Effective immediately, you will not have supervisory authority over any employees within the company.

Recent evaluations reveal a pattern of conduct disregarding the company's expectations for professionalism, respect, gender equity, and you have maintained an inappropriate demarcation between professional and social relationships. An aspect of quid pro quo has become apparent in the implied and direct expectation that your team members socialize with you, attend hot tub parties with you, drink alcohol with you, reveal information about their personal lives, and otherwise participate in uncomfortable activities with you in order to further their careers. This type of conduct significantly violates company expectations requiring staff and leadership to behave in a professional manner, as well as act in compliance with the anti-harassment laws and policies of the company.

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DISCIPLINARY ACTION PLAN COMPONENT #2

2. Effective immediately, your job duties will consist solely of the following:

List details or limitations placed on current job description.

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DISCIPLINARY ACTION PLAN COMPONENT #3

3. Because of your poor supervisory judgment and lack of professionalism already described herein and detailed in other documentation as well, you will now be directly supervised by myself in addition to the interim director.

Your office will be moved to a work station just outside my office. I will supervise your work on a daily basis. You will also be relieved from attending board meetings in any official capacity until further notice. You will also be relieved of the responsibility of attending staff meetings, unless specifically directed by myself to attend.

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You will not seek out other staff with whom to build coalitions in an effort to divide loyalties, create division, or otherwise further your own agenda for programs or initiatives. You will not confide in or demand the confidentiality of any employee on matters about which they have a responsibility to communicate with leadership, and you may not imply that compliance with your request for confidentiality will cause you to attempt to further their career or that lack of confidentiality will somehow lessen their chances for advancement.

You may not make any purchase or authorize the expenditure of any company funds without advance approval from the interim director or from me.

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ESTABLISH MEASUREMENTS FOR COMPLIANCE

- Specifically set forth what behaviors will satisfactorily meet the disciplinary expectations and goals.

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DISCIPLINARY COMPONENT #1

MEASUREMENT: Further rule violations of the types outlined above will not be tolerated. To maintain your employment, you may not again violate expectations in the area of financial expenditures, professionalism, respect, gender equity, harassment, sexual harassment, abuse of supervisory authority, or conduct otherwise unbecoming of an employee and leader in the organization. Progress conferences will specifically address your compliance with these expectations and non-compliance will subject you to consequences including but not limited to termination.

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DISCIPLINARY COMPONENT #2

MEASUREMENT: You must demonstrate the consistent ability to stay focused on your currently assigned duties and must fully relinquish responsibility and control over matters no longer part of your assigned duties. You may not attempt to assess the work or effectiveness of other employees, nor are you to attempt to influence, manage, supervise, intimidate, coerce or otherwise control the work of other staff. Progress conferences will specifically address your compliance with these expectations and non-compliance will subject you to consequences including but not limited to termination.

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OTHER EXAMPLES OF CLEAR MEASUREMENTS

- Employee will produce at least 150 units per month.
- Employee will clock in for work no later than 9:00 a.m. every day.
- Employee will have no more than one calculation error per report.

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IDENTIFY AVAILABLE RESOURCES

- Mentors
- Additional Training
- Documents to assist
- Handbook policies to reference
- Software (if time management is a problem, for example)
- Listen for any needed ADA accommodations

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CREATE A TIMELINE FOR ACHIEVING GOALS

- Performance Improvement Plan usually lasts between 30-90 days, but continued and sustained improvement is expected thereafter.
- Provide the dates when re-evaluation will occur and identify any benchmarks that need to be met on those dates.

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PERFORMANCE IMPROVEMENT PLAN EXPECTATIONS

BASIC

Deficiency Statement: Barb fails to take initiative to get organized and stay organized, to ensure all tasks related to her job are accomplished in a professional and timely manner.

Performance Standards: Barb's performance meets expectations when she:

- Follows company policies with respect to_____
- Proofs work once it is complete prior to sending it out or publishing it.
- Accomplishes assigned duties on or before deadlines.
- Takes pride in and responsibility for her work.

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Deficiency Statement: Barb fails to take responsibility for her mistakes. This gives the impression that she does not care about her job performance and is unwilling to accept consequences.

Performance Standards: Barb's performance meets expectations when she:

- Acknowledges mistakes to herself and the person who assigned the task.
- Apologizes for the mistake.
- Initiate steps to correct the mistake and follows through with the correction.

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MORE DETAILED/EXECUTIVE
PERFORMANCE IMPROVEMENT PLAN
EXPECTATION #1

1. You must communicate with credibility and accuracy with both internal and external audiences.
- You provided false information to the Board and subordinate employees in an effort to gain support for your proposed programs and initiatives. See written warning dated June 12, 2017.
- Dishonesty, misrepresentation, and manipulation in communications with external and internal audiences will not be tolerated and your performance must significantly improve in this regard, meaning additional instances of false or manipulative communication will result in termination.

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PERFORMANCE IMPROVEMENT PLAN
EXPECTATION #2

2. You must foster a positive, professional relationship with and among staff, board members and community. Relationships with these identified audiences may not suffer due to a lack of communication, responsiveness or respect.

You have not consistently performed in a professional manner while serving as a role model in the community at large. You do not adequately respond to nor acknowledge the contributions and efforts of those reporting to you nor avail yourself of the knowledge and experience present in these individuals.

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You must greatly improve your efforts to foster a culture that encourages collegiality, open/honest communication and a sense of community among all staff. You must also show great improvement in adapting your behavior to the needs of the current situation and be comfortable and appropriate in response to dissent. You must respect your fellow leaders and staff members enough to utilize their time effectively and efficiently, and not to further your own agenda.

• **Expected Performance Outcomes:**

- You will foster positive working relationships with staff, patrons, board members, leaders and community members.
- You will perform all duties in a professional manner, serving as a role model in relationships within the company and the community at large.

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- You will operate as a leader rather than from the “I” perspective, embracing the strength, knowledge, experience and vision of the various administrative team members by respecting their time and talents.
- You will behave respectfully and professionally, at all times, which includes but is not limited to:
 - a. being on time for meetings
 - b. being respectful of others' time
 - c. not interrupting or preventing others from expressing their beliefs and viewpoints
 - d. not showing favoritism or special attention to any specific staff members
 - e. taking ownership and responsibility for your own actions, including mistakes and apologizing where appropriate, but not minimizing or rationalizing away your involvement

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- f. not attempting to create special social relationships with other staff members, and not confusing the difference between business relationships and social relationships such that other people feel pressured to socialize with you and pressured to discuss business during these alleged social gatherings
- g. not failing to show up for scheduled meetings or continuously running meetings past designated end times. (If and when the running of meetings is again assigned to you, you will follow an agenda, stay on task and otherwise respect people's time rather than use them as a forum to broadcast your own views and expound unduly on related and unrelated issues.)

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- ☐ You will not abuse or use alcohol in a manner that leaves you unfit for duty.
- ☐ You will not evaluate other employees nor opine on the superiority or inferiority of their work as compared to your work.
- ☐ You will not respond to opposing viewpoints with retaliation via verbal, e-mail or evaluatory criticism.
- ☐ You will not cross the line between professional supervision and social interaction, nor will you engage in conduct which gives the appearance of impropriety as it relates to social interactions or attempted social interactions with other employees.
- ☐ You will not take an interest in and show excessive attention to female employees as compared to male employees and will not attempt to unduly inquire into staff members' personal lives in a manner which makes people uncomfortable or attempts to create alliances or attempts to ascertain areas of vulnerability.
- ☐ You will follow all company policies, procedures and accepted practices, and if you have any questions regarding the applicable policy or procedure, you will direct that question to me prior to taking any action.
- ☐ You will not engage in divisive conduct which is disruptive to the purposes for which you are employed.

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WARNING REGARDING UNPROFESSIONAL CONDUCT

- Unprofessional conduct of any nature will not be tolerated in response to this Disciplinary Action and Performance Improvement Plan, including but not limited to confrontation or retaliation against staff members whom you may perceive to have been involved in any aspect of your evaluation, discipline or the continuing implementation of this plan. Any such action on your part will result in immediate action to end your employment. You may not discuss this document with other employees or patients or families of patients or with anyone in a manner which disrupts business purposes.

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EXPLANATION OF PURPOSE

- The Disciplinary Action portion of this plan is being invoked as a consequence for your rule violations this past school year. The Performance Improvement Plan is being implemented in order to remediate the areas of deficiencies which have impaired your performance in your position. (cont.)

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DOES NOT ALTER AT-WILL STATUS

- Nothing in this Disciplinary Action and Performance Improvement Plan is intended to nor will operate in any way to alter your status as an employee, whose employment can be terminated in accordance with Nebraska law. This Disciplinary Action and Performance Improvement Plan does not constitute a contract or guarantee of employment and shall not be construed as such. The company retains all rights to alter your employment, at anytime, consistent with Nebraska law.

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COMMUNICATION

- I am glad to discuss this matter with you if you have any questions or need clarification. It is crucial to your continued employment that you follow this Plan and these directives, without fail, and if you have any questions or need any clarification, that you seek an answer prior to taking any action about which you are or may be unclear.

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REVIEW PERFORMANCE IMPROVEMENT PLAN WITH EMPLOYEE

- Have a witness
- Provide employee with copy
- Orally walk through each component
- Give the employee the opportunity to respond and provide feedback
- Make any necessary adjustments based on employee feedback
- Have the employee confirm that he or she understands the terms of the plan, but be prepared for resignation
- Signature by employer/employee

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FOLLOW-UP

- Observe employee and document progress using the measurements identified and the dates of review
- Don't hound or harass. Remember goal is improvement.

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**MEET REGULARLY WITH EMPLOYEE TO
DISCUSS PROGRESS, EVEN IF IT IS NOT
A FORMAL REVIEW TIME**

- Furnish feedback and documentation
- Allow employee to ask questions or request clarification
- Provide advice and suggestions to assist
- Learn more about your employee to get a better understanding of ways to help her or him

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**PRIOR TO EACH REVIEW, ASSESS THE
EFFECTIVENESS OF THE PERFORMANCE
IMPROVEMENT PLAN**

- Obtain information from co-workers and immediate supervisors
- Evaluate plan's effectiveness
- Does the timeframe need to be extended?
- Are the targets too difficult to attain?
- Were there factors outside the employee's control?

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ACTION ITEMS

- If the plan does not succeed, first rule out deficiencies in the plan.
- Take the actions outlined in the plan.
- Reinforce sustained and continued improvement.

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QUESTIONS?

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