



## 706:Managing Employee Performance & Attendance Issues

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## Faculty Biographies

### Anne E. Celentino

Anne E. Celentino is a senior attorney with Cubic Corporation where she represents the company and its subsidiaries in all legal matters relating to labor and employment law. Ms. Celentino advises management and human resources on employment issues, including discrimination, harassment, privacy, electronic communications, affirmative action, compensation, employee relations and terminations, as well as wage and hour, immigration, and employee benefits laws. She is responsible for conducting investigations and for developing employment-related policies as well as compliance and training programs. Ms. Celentino also handles union negotiations and arbitrations on behalf of Cubic, agency charges of discrimination, and manages all employment-related litigation.

Ms. Celentino previously specialized in labor and employment litigation at Sheppard, Mullin, Richter & Hampton before joining Cubic. She also worked in legal research positions at the U.S. Senate and the United States Supreme Court.

She is a frequent speaker to industry and human resources groups on employment law topics, a past president of ACCA's San Diego Chapter, and currently serves on that Chapter's board of directors. Ms. Celentino received her bachelors' degree from the University of California at Santa Barbara where she was elected to *phi beta kappa*. She received her JD from Georgetown University.

### Darryl A. Weiss

Darryl A. Weiss is currently the vice president of human resources and legal affairs for ORINCON Corporation International a provider of signal processing, digital imaging, and information assurance solutions for defense and commercial applications. His responsibilities include providing legal counsel to the organization and board of directors, managing the corporate compliance activities, international law, executive compensation, benefits, and oversight of the general human resources function.

Prior to joining ORINCON, Mr. Weiss worked in the aerospace, computer, telecommunications, and biotechnology industries in a variety of legal and human resources roles. Mr. Weiss has worked on site in Canada, England, France, Germany, Hong Kong, Ireland, Japan, Malaysia, Netherlands, Singapore, Sweden, and Switzerland.

Mr. Weiss is currently on the board of directors for the ACCA's San Diego Chapter as well as ACCA's International Law and Employment and Labor Law Committees.

***Managing Employee Performance  
and Attendance Issues***

***The Good, The Bad, and the Ugly***


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***Presented By***

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## Plaintiff's Case

- Long Term Employee
- No Warnings/Documentation 
- Harsh Treatment
- Apparent Retaliation
- Inconsistent Employer Explanations

## Employers Are Expected To

- Know Their Own Policies
- Follow Their Own Policies
- Know Employment Law
- Document Poor Performance
- Conduct Adequate Investigations
- Held to High Standard

## Common Errors

- Company Lacks Credible Explanation
- Company Lacks Documentation
- Termination of Employee on Leave

## Tools for Managing Employee Performance and Misconduct

- Annual Performance Evaluation
- Progressive Discipline/Performance Improvement Plan

## Performance Evaluations-Purpose

- Set Direction
- Narrow Focus
- Establish Metrics
- Define Time Boundaries
- Clarify Responsibilities
- Improve Communication
- Motivate
- Address Performance Problems
- Assist in Personnel Decisions

## Guidelines for Completing Evaluations

- Review Self-evaluation and Supplemental Input Forms
- Look at Entire Review Period
- Be Honest
- Identify Strengths and Areas Needing Improvement
- Cite Examples, Make Specific Recommendations
- Avoid Cookie-cutter Approach
- Avoid "Check the Box" Mentality-include Narrative

## Other Guidelines

- Focus on Facts
- Be Sure All Comments Job Related
- No Surprises
- Don't Nit Pick
- Only Evaluate Employees in Areas Over Which They Had Control

## Other Guidelines (cont.)

- Consider Terminology
- Rate Employees in Same Job Based on Same Standards
- Monitor for Disparate Impact-older Employees, Females, Minorities
- Avoid Inflated Evaluations
- Protect Privacy
- Training on How to Conduct the Meeting

## Supposed Reasons for “Charitable Evaluations”

- Short-term feelings of good will
- Problems may go away by themselves
- No assurance that replacement employee will do better

## Make Managers Aware of Legal Issues

- Tendency to Give Marginal Employees Good Evaluations Creates Legal Risk



## Developing Effective Goals

- Involve the Employee
- Agree on Action
- Identify Roadblocks
- Write It Down
- Monitor Progress
- Revise, If Necessary

## Designing a Performance Improvement Plan

- Work With Human Resources
- Explain How Current Performance Is Falling Short of Expectations
- Specify What Employee Needs to Do to Meet Standards
- Set Time Limits
- Schedule Follow up Meetings
- Set Out Consequences If Failure to Meet Standards

## Discipline Factors

- Severity of Conduct
- Past Job Performance
- Past Practice
- What Will Stop the Unacceptable Behavior?

## Topics for Discussion

- Communicating Expectations
- Letting Employees Know When They are not Meeting Expectations
- Focusing on Workplace Behavior
- Accommodating Known Disabilities

## Topics for Discussion

- Providing Employee with Opportunity to Defend
- Giving Employee Reasonable Opportunity to Improve

## Topics for Discussion

- Ensuring Consistency between Similarly Situated Employees
- Avoiding Over Evaluation

## Topics for Discussion

- Implementing  
Decisions Quickly
- Treating Employee  
with Respect &  
Dignity

## Ensuring Consistency Between Similarly Situated Employees

- Be Fair
- No Favorites
- Policies Apply to  
Everyone
- When Managers  
Enforce the Policies  
Consistently,  
Employees Know What  
to Expect and  
Performance Improves

## Communicating Expectations

- How Do We Communicate Expectations?
- Job Description
- Orientation
- Ongoing Feedback
- Performance Reviews
- They Need to Be Clear and Measurable

## ATTITUDE? What does That Mean?

# BEHAVIOR

## 3 Categories for Employee Problems

- **Category One**
- *Attendance*
  - Tardiness
  - Early Leaves
  - Excessive Days Out
  - Constant Emergencies and Last Minute Requests for Time off

## 3 Categories for Employee Problems

- **Category Two**
- *Performance*
  - Repeated Mistakes
  - Unable to Learn Tasks
  - Not Able to Complete Assignments in a Timely Manner
  - This Could Be a Training Issue
  - This Could Be an Error in Placement - Person in the Wrong Job

## 3 Categories for Employee Problems

- **Category Three**
- *Conduct*
  - Insubordination
  - Vulgar Language
  - Harassing Co-workers
  - Fighting
  - Refusal to Follow Work Place Rules

## Letting Employees Know When They Are Not Meeting Expectations

- Don't Ignore the Small Things...they Will Turn Into Big Things
- Discuss the Specific Issue That Is Not Meeting Expectations, E.G., Tardiness
- Reinforce the Expectation, E.G., Your Starting Time Is 8:00 a.m.
- Let Employee Know What Can Be Expected If There Is No Improvement.

## Focusing on Workplace Behavior

- Don't Focus on the Cause, Intent or the Person... Just What Needs to Be Changed
- EAP Can Be Offered to Assist in Dealing With Workplace Issues



## Accommodating Known Disabilities

- Don't Probe to Find One
- It's the Employees Responsibility to Let Us Know and Provide Medical Documentation to Request an Accommodation
- Don't Make Promises. Let Employee Know We Will Review the Information and Get Back to Them.

## Provide Employee With Opportunity to Defend

- ***This Is Essential***
- Give an Opportunity to Be Heard
- Give Them Their Day in Court But....
- Don't Get Caught up in Situations That Are Not Related to the Behavior Change Needed at Work
- You Can Empathize but Still Require the Behavior to Change

## Giving Employees a Reasonable Opportunity to Improve

- Be Specific Regarding What Is Required
- How Will the Improvement Be Measured?
- What Will Happen the Next Time This Behavior Is Exhibited?

## Evaluating a Termination Decision

- Consider Alternatives
- Consider Whether Policies Followed
- Whistleblower Possibility
- Appearance of Retaliation
- Documented Performance Issues

## Evaluating a Termination Decision (cont.)

- Adequate Investigation/proof-especially If Misconduct
- How Does This Look?
- Review by HR And/or Senior Management
- Phony/Pretextual Reasons
- Avoid Humiliating the Employee/Give Options

## Terminating Substandard Performer

- The Final Step in Our Corrective Action Process
- Deliver the Message but Don't Argue About the Decision
- The Decision Is Final and Has Been Reviewed by HR and Senior Management

## Telling Employee True Reason for Discharge

- Don't Sugar Coat  
the Issue
- But Don't Humiliate  
the Employee

## Implementing Decisions Quickly


- The Longer You  
Wait the Harder It  
Will Be
- The Problem Will  
Not Go Away If You  
Ignore It
- Don't Let Small  
Issues Become Big  
Issues

## Treating Employee with Respect and Dignity

- Even in a Discharge Situation
- Help the Employee Move on to the Next Step...discuss Final Pay, How References Will Be Handled
- If Possible, Never Terminate an Employee on a Friday

## It's Your Job

- Effective Performance Management Equals:
  - A Strong Team
  - High Performance
  - Low Turnover
  - A Strong Company

|   |  |
|---|--|
|  | <p><b>ORINCON CORPORATION International</b></p> <p><b>Performance Management Program</b></p> <p><b>Employee Performance Appraisal &amp; Development Plan</b></p> |
|---|--|

Employee's Name: \_\_\_\_\_ Position: \_\_\_\_\_

Department: \_\_\_\_\_ Date in Position: \_\_\_\_\_

Dates Covered by Evaluation (month & year): From: \_\_\_\_\_ To: \_\_\_\_\_

Type of Appraisal:  Annual  Mid-Year  Other (specify): \_\_\_\_\_

Appraiser's Name: \_\_\_\_\_ Appraiser's Position: \_\_\_\_\_

**Purpose:**

The Performance Management Program is designed to ensure that, through two way communication between the supervisor and employee, the employee's performance as compared to job expectations is thoroughly discussed and understood by both parties. This in-depth appraisal builds the foundation of the ongoing appraiser-employee team working relationship. As such it sets the basis for future coaching, counseling, and other helpful feedback. It also provides the primary performance and results input for consideration of merit increases and promotions. The Performance Management Program consists of two major components; Part I is the Performance Appraisal and part II is the Goals and Development plan.

**PART I ~ PERFORMANCE APPRAISAL:**

Assessment of performance strengths as well as areas requiring improvement in performance

**Description Of Performance Levels:**

|                             |   |
|-----------------------------|---|
| <b>OUTSTANDING</b>          | Performance and achievements consistently exceed expectations for the position's requirements. Only experienced and productive employees whose level of job output, superior performance and teamwork are obvious to coworkers/management are included here.  |
| <b>EXCEEDS EXPECTATIONS</b> | Performance and achievements frequently exceed expectations. Experienced employees who constantly meet <u>all</u> standards of the job, but surpass job output standards on a regular basis in some key areas may be considered here.   |
| <b>MEETS EXPECTATIONS</b>   | Employees whose performance and achievements consistently meet the standards set for the job should be rated here. Must perform all significant aspects of the job, at least meeting the expectations and standard job output.  |
| <b>NEEDS IMPROVEMENT</b>    | Performance does not consistently meet job responsibilities. This includes seasoned employees who do not perform <u>all</u> aspects of the job, and new employees who are moving toward the Meets Expectations level, but are still inexperienced and do not yet perform at the standard job output level. There should be some indications that, with guidance, improvement can be made. |
| <b>UNSATISFACTORY</b>       | Performance is unsatisfactory and the employee has not shown short-term improvement. Clear evidence of lack of ability for or adaptability to the present position. Efforts at improvement may not be successful. The employee probably should be considered for a less demanding position, career alternative or, failing these, termination.  |

**PART II ~ Goals and Development Plan Worksheet**

Used by the employee and supervisor to develop goals and an action plan to accomplish the goals, and for development of Professional Development initiatives, and to track and report the employee's progress.

**Performance Appraisal Instructions**

|   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Review the description that accompanies each Performance Category</li> <li>2. Enter the letter that corresponds with the rating selected for the Performance Category. If the employee's performance falls between categories, use both category letters (example, where the employee's performance is better than Meets Expectations, but does not Exceed Expectations, enter E/M).</li> <li>3. Please provide comments which support your rating</li> </ol> | <p><b>Outstanding = O</b></p> <p><b>Exceeds Expectations = E</b></p> <p><b>Meets Expectations = M</b></p> <p><b>Needs Improvement = N</b></p> <p><b>Unsatisfactory = U</b></p> |
|---|--|

| PERFORMANCE CATEGORY  | COMMENT | RATING<br>(O, E, M, N, U) |
|---|---------|---------------------------|
| <p><b>1 Evaluate Results of Prior Year's Action Plan and Professional Development Plan</b></p> <ul style="list-style-type: none"> <li>• Were goals and objectives met?</li> <li>• Consider areas identified at last review as strengths or as requiring improvement. What impact did Action / Development Plans have in improving performance or enhancing the employee's strengths?</li> <li>• Consider employee's initiative &amp; timeliness in completing planned activities</li> </ul>                     |         |                           |
| <p><b>2 Job Knowledge</b></p> <ul style="list-style-type: none"> <li>• Review each job description item, comparing job description responsibilities to technical job knowledge</li> <li>• Consider employee's understanding and observance of each job duty</li> <li>• Consider employee's level of required skills and competencies</li> <li>• Familiarity with other related department and company functions</li> </ul>  |         |                           |
| <p><b>3 Teamwork</b></p> <ul style="list-style-type: none"> <li>• Willingness and ability to work positively with ORINCON's employees at all levels</li> <li>• Helps others on own initiative</li> <li>• Works as a team member to achieve common goals—sacrifices for the common good</li> <li>• Desire to cross-train and learn more</li> <li>• Adaptability to change, new assignments</li> <li>• Open to other's ideas</li> <li>• Sell the unit's point of view</li> <li>• Trusted by team mates</li> </ul> |         |                           |
| <p><b>4 Productivity</b></p> <ul style="list-style-type: none"> <li>• Ability and willingness to produce job outputs at standard rate</li> <li>• Keeps up to date—meet deadlines</li> <li>• Ability to handle extra work and adapt to work priority changes</li> </ul>  |         |                           |

| PERFORMANCE CATEGORY   | COMMENT | RATING<br>(O, E, M, N, U) |
|--|---------|---------------------------|
| <ul style="list-style-type: none"> <li>• Works consistently and energetically</li> <li>• Ability to follow instructions, grasp facts and ideas and master new routines</li> <li>• <b>Supervisors:</b> Ability to maintain productivity of unit and staff</li> </ul>  |         |                           |
| <p><b>5 Quality of Work</b></p> <ul style="list-style-type: none"> <li>• Consider accuracy, thoroughness</li> <li>• Neatness, appearance, workmanship</li> <li>• Organized work and work station</li> <li>• Ability to follow through on total job, including value added or outputs to the job</li> <li>• <b>Supervisors:</b> Ability to achieve and sustain high quality of unit and staff's work</li> </ul>   |         |                           |
| <p><b>6 Attendance &amp; Punctuality</b></p> <ul style="list-style-type: none"> <li>• Compute actual attendance</li> <li>• Advanced or timely communication with supervisor about absences</li> <li>• Consider tardiness or abuse of lunch or break periods</li> </ul>   |         |                           |
| <p><b>7 Supervision Required</b></p> <ul style="list-style-type: none"> <li>• Ability to achieve desired results with minimum of supervision</li> <li>• Takes initiative and acts independently</li> <li>• Carries out work without detailed instructions</li> <li>• Makes constructive suggestions</li> <li>• Keeps supervisor/management informed of work status</li> <li>• Accepts constructive criticism well</li> </ul>   |         |                           |
| <p><b>8 Analytical &amp; Decision Making Ability</b></p> <ul style="list-style-type: none"> <li>• Ability and willingness to make logical and appropriate decisions, even in the absence of detailed instruction</li> <li>• Is fair and objective</li> <li>• Assesses situations, gathering and summarizing data to determine best course of action</li> <li>• Ability to communicate and act on decisions</li> </ul>  |         |                           |
| <p><b>9 Customer Service (internal &amp; external)</b></p> <ul style="list-style-type: none"> <li>• Consider effort &amp; willingness to satisfy and retain customers</li> <li>• Degree of overall effectiveness of service</li> <li>• Consider general impression made (including courtesy, tact, and ability to express self effectively)</li> <li>• Ability to explain details of product &amp; to help customers understand all benefits of the product</li> <li>• Responsive to customer needs, especially in difficult situations</li> </ul> |         |                           |



| PERFORMANCE CATEGORY   | COMMENT          | RATING<br>(O, E, M, N, U)                |
|--|------------------|--|
| <b>10 Marketing *(if applicable)</b> <ul style="list-style-type: none"> <li>• Considers marketing of products and services through cross-selling and developing new customers</li> <li>• Recognizes potential customers of various products</li> <li>• Results achieved for effort expended</li> </ul>   |                  |  |
| <b>Complete items 11 through 14 only if the employee carries out leadership activities, such as staff supervision or management, team leadership, project management, or training / coaching of staff members (note: non-supervisory staff may be rated here, if appropriate). Otherwise, proceed to item #15.</b>   |                  |  |
| <b>11 Lead and Direct</b> <ul style="list-style-type: none"> <li>• Influences and gain commitment from others</li> <li>• Sets clear objectives</li> <li>• Decides and act on decisions comfortably</li> <li>• Sets high expectations</li> <li>• Ability to be assertive when needed</li> <li>• Cooperates and compromises</li> </ul>   |                  |  |
| <b>12 Implement</b> <ul style="list-style-type: none"> <li>• Practical and considered approach to getting things done.</li> <li>• Action oriented</li> <li>• Enlists the cooperation of others</li> <li>• Uses people's talents</li> <li>• Minimum of mistakes</li> <li>• Organizes tasks and work environment</li> <li>• Responds well to changes</li> </ul>  |                  |  |
| <b>13 Control</b> <ul style="list-style-type: none"> <li>• Keeps commitments and follows through to completion</li> <li>• Recognizes timely achievements and where falling behind</li> </ul>   |                  |  |
| <b>14 Feedback &amp; Developing Others</b> <ul style="list-style-type: none"> <li>• Willingness to create trust by providing positive feedback and addressing inadequate performance</li> <li>• Conduct motivating performance reviews</li> <li>• Ability to change less desirable behavior</li> <li>• Straight forward in disagreement, obtaining positive results</li> <li>• Mentors and coaches toward career development</li> <li>• Assigns challenging tasks</li> <li>• Provides appropriate training</li> <li>• Ability to create clear, concise, and appropriate documentation</li> </ul> |                  |  |
| <b>15 <u>OVERALL PERFORMANCE</u></b><br><br><i>This is a composite evaluation of</i>   | <u>COMMENTS.</u> | <b>OVERALL RATING</b><br>(O, E, M, N, U) |

| PERFORMANCE CATEGORY  | COMMENT | RATING<br>(O, E, M, N, U)     |
|---|---------|-------------------------------|
| <p><i>results achieved, performance of continuing responsibilities, and (where applicable) leadership skills exhibited over the period covered by the evaluation. Performance factors are not necessarily considered of equal value and may vary from job to job.</i></p> |         |                               |
|   |         | <p><b><u>HR Only:</u></b></p> |

**COMMENTS AND SIGNATURES**

**APPRAISER/REVIEWER COMMENTS:**

\_\_\_\_\_  
*Appraiser/Reviewer's Signature*

\_\_\_\_\_  
*Date*

**EMPLOYEE'S COMMENTS:**

I have reviewed my appraisal with my supervisor and  have  have not suggested changes in writing (see attached). My signature below indicates that I have discussed this appraisal with my supervisor and does not imply that I agree with the overall performance rating. In either case I have been provided the opportunity to attach my comments.

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date*

## PART II: OBJECTIVES & GOAL DEVELOPMENT PLAN

### Definitions:

- **Goals** are SMART: Specific, Measurable, Accountable, Realistic, and Time Bound.
- **Action Plans** are specific initiatives that the employee will take to achieve their performance goals.
- **Employee Development Plans** are different from Action Plans in that Action Plans are tied to the goals, while Employee Development Plans are linked to the functions of the position and the skills required to succeed in the position. The Development Plan is intended to enhance the employee's professional skills, which in turn will positively impact job performance and improve the employee's opportunities for promotion. The development plan must be relevant to the employee's position, department, or the Company.

### Worksheet Instructions

1. Development of this plan is a team effort, requiring active participation on the employee's part. For this reason, the supervisor and employee should develop the Goals, Action Plans, and Professional Development Plans after their discussion of the Performance Appraisal.
2. In developing the plans, it is important to utilize the employee's strengths and to identify methods for improving the performance areas that require improvement.
3. Include targeted implementation dates in both the Action Plans and the Professional Development Plan.
4. The employee and supervisor will meet a minimum of twice per year to review and discuss results achieved, and to make modifications to the plans, if necessary. Signatures are not required after the mid-year reviews, however the supervisor is responsible for updating the worksheet with Human Resources.
5. The employee and supervisor sign the completed worksheet, documenting the employee's achievements over the previous fiscal year by June 30. The results of the employee's Goal and Development Plans are evaluated as part of the employee's annual performance appraisal.

### Timeline

#### **June:**

Prior Year Plans: The employee and supervisor review outcomes of the prior year's Goal and Development Plans. The employee's performance with regards to these plans is rated in the performance appraisal.

Upcoming Year's Plans: After review of the performance appraisal the employee & supervisor develop a new Goal and Development Plan that is tied to specific performance strengths and weaknesses identified in the appraisal. The plan will include specific initiatives and target dates for completion.

**January:** Employee and supervisor review the employee's progress. The supervisor will document the status of each action item in the "January" field, adding, modifying, or discontinuing items where appropriate. No signatures are required.

| <b>Goals Plan</b>  |   |
|--|---|
| <b>Goals &amp; Actions must be SMART: Specific, Measurable, Accountable, Realistic, and Time Bound</b> |   |
| <b>1</b>   | <b>Goal:</b><br><br><b>Action Plan</b> (to achieve the above Goal):<br><br><b>January Progress:</b> |
| <b>2</b>   | <b>Goal:</b><br><br><b>Action Plan</b> (to achieve the above Goal):<br><br><b>January Progress:</b> |
| <b>3</b>   | <b>Goal:</b><br><br><b>Action Plan</b> (to achieve the above Goal):<br><br><b>January Progress:</b> |
| <b>Employee Development Plan</b>   |   |
| <u>Employee Development Plan</u>   | <u>Estimated Completion Dates</u>   |
| 1.   | 1.  |
| 2.   | 2.  |
| 3.   | 3.  |
| <b>January Progress:</b>   |   |

**Year End Review (To be completed in conjunction with new Performance Appraisal)**

By signing below, the employee and supervisor acknowledge that the employee's action plan, development plan and progress reports were carried out as documented above, on the dates indicated. This completed worksheet will be reviewed prior to the employee's next performance appraisal, and plan outcomes will be rated as part of the appraisal.

|                    |      |                      |
|--------------------|------|----------------------|
|                    |      |                      |
| Employee Signature | Date | Supervisor Signature |
| Date               |      |                      |



### PERFORMANCE EVALUATION

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This evaluation form is to be used to summarize and evaluate the performance of employees. Instructions for its completion are contained in "The Manager's Guide to Performance Evaluations." This form should be used only with proper training and a complete review of the Guide.

EMPLOYEE: \_\_\_\_\_ REVIEW PERIOD: \_\_\_\_\_

JOB \_\_\_\_\_ TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DATE OF EVALUATION: \_\_\_\_\_

EMPLOYEE \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

Summary of Employee's Major Responsibilities/Job Assignments for this Review Period:

#### Performance Levels:

**O - OUTSTANDING PERFORMANCE:** Performance consistently exceeds the position requirements. This level of performance is uniquely high and is achieved by few employees.

**E - EXCEEDS JOB REQUIREMENTS:** Performance consistently exceeds most of the position requirements.

**M - MEETS JOB REQUIREMENTS:** Performance successfully meets position requirements.

**N - NEEDS IMPROVEMENT:** Performance meets some, but not all, position requirements. As a result, performance will require improvement to fully meet expectations.

**U - UNSATISFACTORY PERFORMANCE:** Performance does not meet position requirements. Immediate improvement is required.

**PART I**  
**Complete for all Employees:**

**ACHIEVEMENT OF LAST YEAR'S GOALS/ACCOMPLISHMENTS**

**Describe:**

For each item listed below, indicate an overall performance level in the "Evaluation" Section and describe the basis for your evaluation.

**JOB KNOWLEDGE-** Evaluate employee's knowledge of his/her job as well as employee's familiarity with procedures and department objectives, understanding of scope of position and its interrelationship to others.

**Evaluation:**

- |  |  |
|--|--|
| <input type="checkbox"/> <b>O - OUTSTANDING PERFORMANCE</b>  | <input type="checkbox"/> <b>N - NEEDS SPECIFIC IMPROVEMENT</b> |
| <input type="checkbox"/> <b>E - EXCEEDS JOB REQUIREMENTS</b> | <input type="checkbox"/> <b>U - UNSATISFACTORY PERFORMANCE</b> |
| <input type="checkbox"/> <b>M - MEETS JOB REQUIREMENTS</b>   |  |

**Describe:**

**QUALITY/QUANTITY OF WORK-** Evaluate extent to which employee seeks and obtains a high degree of excellence in work assignments including accuracy, thoroughness, dependability of results and good analytical/decision-making ability. Evaluate overall volume of work produced/productivity.

**Evaluation:**

- |  |  |
|--|--|
| <input type="checkbox"/> <b>O - OUTSTANDING PERFORMANCE</b>  | <input type="checkbox"/> <b>N - NEEDS SPECIFIC IMPROVEMENT</b> |
| <input type="checkbox"/> <b>E - EXCEEDS JOB REQUIREMENTS</b> | <input type="checkbox"/> <b>U - UNSATISFACTORY PERFORMANCE</b> |
| <input type="checkbox"/> <b>M - MEETS JOB REQUIREMENTS</b>   |  |

**Describe:**

**WORKING RELATIONSHIPS/INTERPERSONAL AND COMMUNICATION SKILLS -** Evaluate extent to which employee works cooperatively and effectively with others. Evaluate employee's oral and written communication.

**Evaluation:**

- |  |  |
|--|--|
| <input type="checkbox"/> <b>O - OUTSTANDING PERFORMANCE</b>  | <input type="checkbox"/> <b>N - NEEDS SPECIFIC IMPROVEMENT</b> |
| <input type="checkbox"/> <b>E - EXCEEDS JOB REQUIREMENTS</b> | <input type="checkbox"/> <b>U - UNSATISFACTORY PERFORMANCE</b> |
| <input type="checkbox"/> <b>M - MEETS JOB REQUIREMENTS</b>   |  |

**Describe:**

**TIME MANAGEMENT/INITIATIVE** - Evaluate employee's overall attendance and extent to which employee acts independently, plans and organizes work well and completes projects in a timely manner.

**Evaluation:**

- O - OUTSTANDING PERFORMANCE**       **N - NEEDS SPECIFIC IMPROVEMENT**  
 **E - EXCEEDS JOB REQUIREMENTS**       **U - UNSATISFACTORY PERFORMANCE**  
 **M - MEETS JOB REQUIREMENTS**

**Describe:**

**COMPANY VALUES** - Evaluate employee's commitment to company values including Ethics, Safety, Security, Labor Charging, Affirmative Action, Equal Employment Opportunity, a Harassment-Free Environment, and Quality.

**Evaluation:**

- MEETS REQUIREMENTS**  
 **NEEDS SPECIFIC IMPROVEMENT**

**Describe:**

## PART II

### Complete for all Supervisors:

**LEADERSHIP/DEVELOPMENT OF DIRECT REPORTS/PERFORMANCE FEEDBACK** - Evaluate employee's effectiveness in managing and developing personnel. Evaluate degree to which employee helps direct reports maximize their potential through effective delegation, coaching, and training. Evaluate employee's ability to provide feedback, including thorough and timely completion of performance evaluations for his/her direct reports.

**Evaluation:**

- O - OUTSTANDING PERFORMANCE**       **N - NEEDS SPECIFIC IMPROVEMENT**  
 **E - EXCEEDS JOB REQUIREMENTS**       **U - UNSATISFACTORY PERFORMANCE**  
 **M - MEETS JOB REQUIREMENTS**

**Describe:**

**ORGANIZATION/PLANNING/ADMINISTRATION-** Evaluate ability to effectively plan, coordinate and complete projects and tasks on schedule. Assess ability to set priorities, allocate resources, control costs and create workable schedules. This includes time management as well as cost/budget management, if applicable.

**Evaluation:**

- O - OUTSTANDING PERFORMANCE       N - NEEDS SPECIFIC IMPROVEMENT
- E - EXCEEDS JOB REQUIREMENTS       U - UNSATISFACTORY PERFORMANCE
- M - MEETS JOB REQUIREMENTS

**Describe:**

**PART III  
Complete for all Employees:**

**OVERALL PERFORMANCE FOR THIS REVIEW PERIOD:**

**Evaluation:**

- O - OUTSTANDING PERFORMANCE       N - NEEDS SPECIFIC IMPROVEMENT
- E - EXCEEDS JOB REQUIREMENTS       U - UNSATISFACTORY PERFORMANCE
- M - MEETS JOB REQUIREMENTS

**Describe:**

**PLANS/IDEAS FOR FUTURE DEVELOPMENT/TRAINING-** Describe any specific training, education or experience planned for employee prior to next evaluation.

**EMPLOYEE COMMENTS:**

*I have had an opportunity to review and discuss this performance evaluation with my supervisor.*

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Next Level Managers Signature \_\_\_\_\_ Date \_\_\_\_\_



**GOALS/OBJECTIVES FOR NEXT PERFORMANCE REVIEW - Specify What Is To Be Accomplished And Target Date (Attach additional pages as necessary)**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

Midyear review scheduled for: \_\_\_\_\_

***Agreed to:***

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

***Please Return To Human Resources***

**SELF-EVALUATION**

To: \_\_\_\_\_

From \_\_\_\_\_

Date: \_\_\_\_\_

Re: Upcoming Performance Evaluation

Your input is an important part of the process of evaluating your performance over the past year. Please complete and return this form to me by \_\_\_\_\_.

1. Summary of Major Responsibilities/Job Assignments for this Review Period:

2. How would you assess your overall performance during the past year?

3. What steps could you take to improve your performance? Is there anything I can do to help you accomplish this?

4. Summarize your achievement of last year's goals.

(over)





**SUPPLEMENTAL INPUT FORM**  
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Your input is valuable to the accurate assessment of \_\_\_\_\_ performance.

Please complete the following and return to \_\_\_\_\_ by \_\_\_\_ .

Please give a brief overview of the assignment(s) given to the above employee and what results were expected.

| Assignment | Results  |
|------------|----------|
| 1. _____   | 1. _____ |
| 2. _____   | 2. _____ |
| 3. _____   | 3. _____ |

**Performance Assessment** — Describe the employee's performance in reference to the following areas:

Job Knowledge:

Quality/Quantity of Work:

Working Relationships/Interpersonal/Communication Skills:

(over)

Time Management/Initiative:

Overall Assessment:

- O – OUTSTANDING PERFORMANCE**
- E - EXCEEDS JOB REQUIREMENTS**
- M - MEETS JOB REQUIREMENTS**
- N - NEEDS IMPROVEMENT**
- U – UNSATISFACTORY PERFORMANCE**

Additional Comments:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Project Name (if applicable) \_\_\_\_\_

Date(s) of Assignment \_\_\_\_\_

**DO'S AND DON'T'S REGARDING DISCIPLINE AND TERMINATION**

Anne Celentino, Senior Attorney, Cubic Corporation

- A. Always review the employee's personnel file, supervisors' desk files and other pertinent documentation, prior to a decision.
- B. Always consider whether a proper investigation has been done or if one is necessary.
- C. Distinguish between cases of misconduct versus poor performance.
  - 1. In cases of poor performance, progressive discipline approaches are generally advisable.
  - 2. In cases of poor performance, documentation of the poor performance can be critical.
  - 3. In cases of misconduct, the most important issue is whether the company can prove the employee engaged in the misconduct.
  - 4. In either case, consider past practice and whether comparable situations have arisen in the past.
- D. Prior to any decision, review and study the applicable personnel policies. Have they been followed? If not, why not?
- E. Do not let a supervisor make a decision if he or she is personally involved in the issues in dispute. In many companies, the line supervisor does not have the ultimate authority to discipline or terminate.
- F. Determine whether the employee has had reasonable notice of any deficiencies and an opportunity to address them.
- G. Always consider how the situation may look to a third person who has no managerial or supervisory experience.
- H. For any long-term employee, or a member of a protected class, or an employee who has threatened litigation, consult labor counsel.
- I. Avoid any type of situation which would be demeaning and degrading to the employee (e.g., "walking out" the employee).
- J. Avoid discussing the disciplinary decision with persons who do not have a need to know. Answer questions from such persons with a statement that the company does not discuss personnel matters.
- K. Avoid any type of discipline or termination that will obviously appear retaliatory.

- L. Always consider alternatives such as suspension, demotion, salary adjustments or other alternatives short of termination.
- M. Avoid using staff reductions or reorganizations as a vehicle to terminate a poor performer, especially where the reduction in force would appear pretextual (i.e. a “reduction” of one or two positions”).
- N. Avoid seizing on a trivial or technical violation of personnel policies as an opportunity to terminate an employee.
- O. Avoid arguments or loud confrontations with any employee. If necessary, suspend the employee.
- P. Avoid the temptation to terminate someone immediately even if there is clear evidence of misconduct. Use a paid or unpaid suspension to obtain time to investigate.
- Q. Avoid jumping to conclusions. Things are not always what they seem.
- R. Avoid offering a severance package to an employee if there is not threat or suggestion of a claim. The Ninth Circuit has held that the offer of a severance package, prior to the threat of a claim, can be evidence of the employer’s guilty knowledge.
- S. Avoid terminating employees who are on medical leave, workers compensation leave or similar health-related leaves.
- T. Avoid terminating employees during the holiday seasons or at religious holidays.
- U. Plan any staff reduction carefully to avoid or at least minimize equal employment claims.
- V. Review promotion decisions for equal employment issues, particularly promotions to senior management. Federal and state regulators are now looking more carefully at “glass ceiling” issues.
- W. Avoid becoming involved in memorandum-writing campaigns with employees. It is necessary to document, but do not fight on the turf of a disgruntled employee.
- X. Do not tolerate persons who are disruptive, violent or otherwise behave inappropriately in the workplace. A suspension can be a good vehicle to remove the employee temporarily and may even change the behavior.
- Y. Do not engage in obvious “file building” – it can come back to haunt you.
- Z. Train supervisory personnel in disciplinary practices and equal employment issues.