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Performance Management in the Age of Empathy: In the Office or in the Home

presented by

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Informal Feedback

1. Humanize Self
 - a. Be a person
 - b. Show empathy
 - c. Share interests
2. Inspire Calm
 - a. Stressful times
 - b. Maintain control
 - c. Open conversations

Informal Feedback

3. Give Thanks

- a. One-on-One
- b. Group settings
- c. Treat everyone fairly does not mean treat everyone the same
- d. Yes, it's their job but so what

4. Minimize Closed Door Meetings

- a. Problem with the actual or virtual “Open Door” Policy
 - i. Bring the door to them
 - ii. Get out of your office
- b. Problems with the actual or virtual “Closed Door”
 - i. Limits communication
 - ii. Creates tension
 - iii. Inspires nervousness

Informal Feedback

5. Check Ins

6. Listen

a. Easier said than done

b. Put down the smart phone

Introduction

1. Legal background:

- a. “At will”: can terminate –
 - i. At any time
 - ii. For any or no [legal] reason
 - iii. With or without prior notice

****More of a theoretical proposition*

Introduction

2. Why pre-termination notice is important, even if the employee is at will:
 - a. Fairness to the employee
 - b. Costs to replace
 - c. Decreases the likelihood of a claim
 - d. Decreases the employer's exposure in litigation

Introduction

3. Why supervisors sometimes fail to provide adequate pre-termination notice
 - a. Inadequate time
 - b. Believe problem will go away
 - c. Fear of claim
 - d. Conflict avoidance
 - e. Out of sight, out of mind

Discipline Options

1. Possible steps:
 - a. Verbal Warning
 - b. Written Warning
 - c. Final Written Warning
 - d. Termination

****Potentially fluid process – work with HR*

Discipline Options

2. Exceptions to progressive discipline include, but are not limited to:
 - a. Early in employment
 - b. Remedial efforts unlikely to be effective (consult with HR)

Discipline Options

2. Exceptions to progressive discipline include, but are not limited to: (continued)
 - c. Serious offenses, such as:
 - i. Harassment
 - ii. Insubordination
 - iii. Theft
 - iv. Violence
 - v. Confidentiality

Discipline Options

3. Core elements of disciplinary notice:
 - a. Expectation(s) not being met
 - b. Specific failings in terms of performance or behavior
 - c. Prior counseling/discipline
 - d. Expectations going forward
 - e. Consequence of not meeting expectations

Core Elements of the Documentation

1. Expectation(s) not being met
 - a. General expectation
 - b. Specific expectations

Core Elements of the Documentation

2. Specific failings in terms of performance or behavior
 - a. Objective
 - b. Factual

Core Elements of the Documentation

3. Prior corrective counseling
 - a. Formal
 - i. Discipline
 - ii. Appraisal
 - b. Informal

Core Elements of the Documentation

4. Expectations going forward
 - a. General versus specific
 - b. Time frames

Core Elements of the Documentation

5. Consequences

Current Step

- Informal notice
- Verbal/Written Warning
- Final Written Warning

Next Step

- Formal discipline
- More severe discipline, up to and including discharge
- Immediate termination without further warning

Common Disciplinary Documentation Mistakes

1. Using labels as opposed to describing behaviors
2. Focusing on intent rather than outcome
3. Focus on underlying (medical cause) rather than behavior
4. Using absolutes
5. Hedging too much
6. Including too many details — overkill
7. Failing to make clear examples only (where applicable)

Performance Appraisals

1. Importance

- a. Establish expectations
- b. Communicate deficiencies (pre-discharge notice)
- c. Increase consistency (by ensuring common criteria)
- d. Provide benchmarks for subsequent distinctions among employees
- e. Recognize (and retain) valued performers

Performance Appraisals

2. Connection to disciplinary process
 - a. In addition to, not in lieu of
3. Importance of candor
 - a. Truthful, but respectful
4. Forward looking
 - a. Establish realistic goals
 - b. Areas for growth/improvement
 - c. Next steps in career

Performance Appraisals

5. Common mistakes

- a. Untimely
- b. Over-evaluation
- c. Inconsistent with disciplinary documentation (or lack thereof)
- d. No meaningful comments
- e. Appraisals in lieu of discipline
- f. See disciplinary documentation mistakes

Implementation

1. Provide employee with opportunity to tell his or her side of the story
 - a. Legal
 - b. Practical

Implementation

2. Verbal Warning
 - a. Document in writing
 - b. Copy to employee

Implementation

3. Final Written Warning

- a. State specifically – “this is your final warning”
- b. Performance problems – required improvement:
 - i. Immediate
 - ii. Significant
 - iii. Sustained

Implementation

4. Implementing steps:
 - a. Skipping steps
 - b. Repeating steps
 - c. Active life

Implementation

5. Signature

- a. Require only acknowledgement of receipt as opposed to agreement

6. Personnel file

- a. All formal discipline in formal personnel file
- b. Supervisors may maintain separately “informal notes”

Termination Event

1. Approval process
 - a. Role of HR
 - b. Resolving disputes without making admissions

Termination Event

2. Witnesses?

- a. Ideally, someone else in management/HR present

3. Documentation

- a. Memo to file indicating general reason for termination
- b. Memo to the employee (depending on the circumstances)

Termination Event

4. Termination event discussion

a. Manager

- i. Statement that employment will terminate
- ii. Date of termination
- iii. General reason for termination

b. Human resources

- i. Focus on post-termination issues
- ii. Intervene if necessary

Termination event — things not to say (or do)

1. We had no choice but to terminate your employment
2. I'm sorry
3. It had nothing to do with your performance (when it did)
4. You have no one to blame but yourself; you didn't try hard enough
5. I know how you feel
6. Someday you will thank me when you find a job that matches your gifts
7. Pardon the impersonal nature of this e-mail, but you are fired
8. I didn't want to send you an impersonal e-mail so I wanted to leave you a personal voice mail letting know that you are fired
9. This is harder on me than it is on you

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Thank you

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