



# Identifying and Addressing Performance Problems

How to Deal with Poor Performers

# AGENDA

- Why Should I Address Poor Performance?
- Preventing Poor Performance
- Identifying the Problem: Is it Conduct or Performance?
- Performance Improvement Efforts
  - ◆ Communicating Expectations
  - ◆ Providing Opportunity to Improve
  - ◆ Taking Action
- Keys to Resolving Performance Problems

# Why Should I Address Poor Performance?

- Merit Principles related to Performance:
  - ◆ Manage employees efficiently and effectively
  - ◆ Retain or separate employees on the basis of their performance
  - ◆ Educate and train employees when it will result in better organizational or individual performance

# Why Should I Address Poor Performance?

## ■ Morale

- ◆ Building a productive team requires setting clear expectations & addressing failures
- ◆ Failing to address problems negatively impacts morale of organization

# Why Should I Address Poor Performance?

## ■ Productivity Issues

- ◆ must do more with less resources
- ◆ poor performance usually gets worse over time
- ◆ early constructive counseling leads to performance improvement and no need for formal action

# Why Should I Address Poor Performance?

- Formal Actions Have Been Successful
  - ◆ Center management supports dealing with poor performers
  - ◆ Actions taken have been sustained
  - ◆ Burden of Proof - “Substantial Evidence”
  - ◆ Process Outlined
    - ◆ GLPG 3430.1
    - ◆ Training

# Preventing Poor Performance

- Communicate clear performance standards and expectations to employees
- Provide regular and frequent feedback on performance (both positive and negative)
- Reward and recognize good performance - both formally and informally
- Make full use of the probationary or trial periods for new employees

# Identifying the Problem: Is it Conduct or Performance?

## CONDUCT

★ Misconduct is a failure to follow a workplace rule

➡ Examples:

- tardiness
- absenteeism
- insubordination
- falsification
- misuse of resources

## PERFORMANCE

★ Poor performance is failure to do the job at an acceptable level

➡ Relates to:

- quantity
- quality
- timeliness
- assigned duties
- written elements and standards

# Identifying the Problem: Is it Conduct or Performance?

It is a **Conduct** Problem if it...

- involves a violation of an agency/Center rule or regulation
- is an offense on the table of offenses and penalties
- warrants immediate action rather than an opportunity to improve
- cannot be measured against established performance standards/elements
- can be corrected by some type of disciplinary action

# Identifying the Problem: Is it Conduct or Performance?

It is a **Performance Problem** if it...

- involves the quality, quantity, timeliness or manner of work product
- relates to the outcome of assigned work
- can be measured against the standards and elements in the performance plan
- relates directly to the duties in the position description
- deserves an opportunity to improve rather than immediate corrective action

# If There Is a Performance Issue...

- Contact OHR for advice and consultation
- Review the Performance Plan - clarify or modify as necessary
  - ◆ Is there a performance element covering the area(s) of concern?
  - ◆ Are the standards clear and measurable pertaining to the area(s) of concern?
  - ◆ Is the employee failing to meet expectations?
- Review GLPG 3430.1, Chapter 5
- Initiate Performance Improvement Efforts

# Performance Improvement Efforts: Addressing and Resolving Poor Performance

Step 1: Communicating Expectations

Step 2: Providing an Opportunity to  
Improve

Step 3: Taking Appropriate Action

# Step One: Communicating Expectations -Methods

- Operating Procedures - ISO procedures, guides, manuals, professional requirements, etc.
- Performance Plan
- Counseling - clarify expectations and discuss performance problems
  - ◆ Verbal Counseling
  - ◆ Letter of instruction
  - ◆ Counseling Letter

# Step One: Communicating Expectations - Counseling

## ■ Preparing for the Counseling

- ◆ Review the Performance Plan
- ◆ Obtain advice from OHR on the adequacy of the performance elements/standards
- ◆ Review documentation on performance

# Step One: Communicating Expectations - Counseling

- ◆ Identify your expectations for acceptable performance
  - ◆ Be able to clarify what is in the standards
  - ◆ Be able to explain Operating Procedures and clarify
  - ◆ Be able to give examples of how the employee's work is failing to meet expectations
  - ◆ Be able to explain what acceptable performance in the job means
  - ◆ Be able to explain what assistance will be provided

# Step One: Communicating Expectations - Counseling

## ■ Conducting Counseling Session

- ◆ Notify employee of the purpose of the meeting prior to the scheduled date/time
- ◆ Conduct in private area
- ◆ Arrange adequate time for your comments and dialogue with the employee
- ◆ Set and maintain a constructive tone - focus on how employee's performance impacts org.

# Step One: Communicating Expectations - Counseling

- ◆ Inform employee of the following:
  - ◆ he/she is failing to meet expectations (identify critical elements)
  - ◆ how he/she is failing by giving examples
  - ◆ outline the performance expectations and seek confirmation that employee understands
  - ◆ explain the assistance that will be provided

# Step One: Communicating Expectations - Counseling

- ◆ Encourage the employee to be active in the discussion
- ◆ Stress mutual goal - to improve employee's performance
- ◆ Document discussion - give employee copy
- ◆ Follow-up! Provide additional feedback to employee (both positive and negative)
- ◆ Refer to EAP if warranted

# Step Two: Providing an Opportunity to Improve

- Performance Improvement Period (PIP) - formal opportunity to improve unacceptable performance
- Issue Warning Letter that states:
  - ◆ critical element employee is failing
  - ◆ how employee is failing to meet expectations
  - ◆ what must be done to meet expectations
  - ◆ what assistance will be provided
  - ◆ consequences of failing to improve

# Step Two: Providing an Opportunity to Improve

- Duration of Opportunity Period - must provide reasonable opportunity to improve commensurate with job duties
  - ◆ AFGGE - 120 days
  - ◆ IFPTE
    - ◆ 90 days to improve performance
    - ◆ 90 days before employee can be rated “fails to meet expectations”

# Step Two: Providing an Opportunity to Improve

## ■ Example:

- ◆ Critical Element: Writes Reports
- ◆ Standard: Complete Draft Report by Feb 15 & Final Report by Mar 30 with no major errors
- ◆ Failure: Failed to submit draft report and submitted final report on Apr 30 that included incomplete and inaccurate information of major significance as follows...
- ◆ Required to: Revise report by correcting errors in data and submitting it for peer review by June 15. Submit progress reports every two weeks including corrections in data analysis for review

# Step Two: Providing an Opportunity to Improve

## ■ Providing Assistance

- ◆ on the job training
- ◆ formal training
- ◆ assigning a mentor
- ◆ establishing job aide tools
- ◆ closer supervision

## Step Two: Providing an Opportunity to Improve

- Union representatives may attend meetings held to discuss performance during PIP
- Monitor Performance during PIP
  - ◆ review work products on regular basis
  - ◆ provide timely feedback
  - ◆ maintain records
  - ◆ ensure all assistance promised is provided

# Step Two: Providing an Opportunity to Improve

## ■ Special Considerations

### ◆ Reasonable Accommodation Requests

- ◆ Get advice/assistance from OHR
- ◆ Must be qualified disabled person and accommodation must not create undue hardship
- ◆ Can put accommodations in place at same time as PIP

# Step Two: Providing an Opportunity to Improve

## ■ Special Considerations

- ◆ Take into account issues that are outside of employee's control
- ◆ Requests for Leave during PIP
  - ◆ Cannot penalize employee on approved leave for not completing work during that time
  - ◆ Ensure leave requesting procedures are followed
  - ◆ May need to extend PIP if on leave for significant period

# Step Three: Taking Appropriate Action

- If employee fails to meet expectations during PIP action must be taken to:
  - ◆ Reassign
  - ◆ Change to Lower Grade (Adverse Action)
  - ◆ Remove (Adverse Action)

# Step Three: Taking Appropriate Action

## ■ Adverse Actions Require:

- ◆ Proposal to CLG or Remove
- ◆ 30 day advance notice period
- ◆ Opportunity for employee to respond  
(Normally 15 calendar days)
- ◆ Written decision letter
  - ◆ within 30 days of expiration of notice period
  - ◆ may grant additional 30 day extension
  - ◆ may request more time from OPM
- ◆ Grievance/Appeal rights

# Step Three: Taking Appropriate Action

## ■ Other Actions

### ◆ Probationary/Trial Period Termination

- ◆ Designed to provide supervisor opportunity to assess how well an employee can perform duties
- ◆ Use to the fullest extent possible
- ◆ Do not need to provide formal PIP
- ◆ Limited appeal rights (only if based on marital status or partisan political affiliation)

# Step Three: Taking Appropriate Action

- ◆ Withholding a Within-Grade Increase
  - ◆ Must be rated “meets expectations” to be eligible
  - ◆ Deny by:
    - rating performance “fails to meet expectations”
    - notifying employee of denial in writing
    - putting employee on PIP
    - provide opportunity for reconsideration
  - ◆ May approve within-grade increase at any time thereafter
    - rate performance at “meets expectations” level
    - must reconsider at least every 52 weeks

# Step Three: Taking Appropriate Action

## ■ Grievance/Appeal Rights

- ◆ To appeal the adverse action an employee may file:
  - ◆ A grievance using negotiated grievance procedure
  - ◆ Merit Systems Protection Board (MSPB) appeal
- ◆ Allegations of discrimination may be addressed via an equal employment opportunity complaint
- ◆ Complaints regarding reprisal for whistleblowing or other prohibited personnel practices may be filed with the Office of Special Counsel
- ◆ No more than 1 avenue of redress may be used

# Keys to Resolving Performance Problems



- Early Identification of Performance Problem
- Constructive Counseling
- Formal Performance Improvement Period
  - ◆ clarify expectations
  - ◆ provide assistance
- Take necessary action

# Resources

- OHR: Lori Pietravoia 3-2506
- GLPD 3430.1
- GLPG 3430.1
- Office of Human Resources Web Site  
<http://www.lerc.nasa.gov/WWW/OHR/>
- Office of Personnel Management Web Site  
<http://www.opm.gov>