

AMS Training Institute  
Supervisory Training Webinar Series  
Presents

Preparing For and Conducting Effective Performance Appraisals

[TRANSCRIPT]

Ladies and Gentlemen. Thank you for standing by and welcome to the AMS Training Institute, Supervisory Webinar. During the presentation all participants will be in a listen only mode. If you would like to ask a question during the presentation, please use the chat feature located in the lower left corner of your screen. If you need to reach an operator at any time, please press \*0. As a reminder this conference is being recorded today Wednesday September 15, 2010. And Now I would like to turn the conference over to Loretta Gladden. Please go ahead.

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**LORETTA GLADDEN**

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Thank you. Hello and again welcome to the AMS Institute Webinar for supervisors. I am Loretta Gladden, the program manager for the AMS Supervisory Training program and I will serve as your moderator for today's session. As you may be aware, over the past year the Training Institute went through a comprehensive needs assessment of the agency's non-technical training program. It was revealed through that assessment that while there continues to be value in the existing supervisory, management, and executive training programs there are also opportunities for change that can further heighten program enhancements. Among other things, are ways of leveraging technology, is an example of the kind of feedback that AMS TI received through that particular assessment from your program deputy administrator.

With that in mind AMS TI has examined the various non-technical training programs that it administers and has incorporated some strategies to revitalize and bring about a new look to these programs. Today's session will address the topic of **Preparing for and Conducting Effective Performance Appraisals**. This particular topic has been identified as the first to be delivered in this series of webinars for supervisors for several reasons.

One, it was a topic that was very high on the list on employees and supervisors concerns, as evident through a number of venues, such as the Human Capital Survey, the Alternative Dispute Resolution Service and some others. Two, we honestly believe supervisors generally want to conduct the very best performance appraisals that they can and three; this is the time of year when supervisors are preparing to conduct yearend performance appraisals with their employees.

So this clearly is a good time to offer some much needed and just in time training to our supervisors. Now before I turn the program over to our facilitators, I'd just like to share some information with you about what you can expect from this point on.

The webinar will last in its entirety for one hour and it is designed to be interactive. So your participation will be greatly appreciated. As already mentioned, a polling feature has been included for you to provide your responses to questions that will be posed by your facilitator. And I know what you're thinking at this point, but don't worry your responses will be visible only to us. Though you will be chatting your questions to us, we will be the only ones who can see your questions so you can feel comfortable in knowing that you will remain anonymous to everyone else.

If you still have questions though at the end of the session, you can send them by email to the AMS Training Institute e-mail box, at [AMSTI@USDA.GOV](mailto:AMSTI@USDA.GOV) and they will be forwarded appropriately for response.

Now I know some of you also are participating in this webinar in a group setting, and if that is the situation in your case, please send us a message to the AMSTI e-mailbox at the end of this session and just let us know how many people participated in your group from that location.

As you can guess, feedback is going to be especially important to us. So at the conclusion of this seminar, I mean webinar, you will be asked to provide us with some very brief feedback. We hope you will help us out by taking a minute to provide us with some very very brief comments about your experience.

As I mentioned earlier, this is the first time AMS TI has conducted a webinar, so if we struggle with any technical difficulties we ask in advance for your patience and understanding.

Well enough about the logistics, so let's move on to some information about our facilitators for this session. Your facilitators, both from the APHIS Human Resource Division will be Sarah Tuck, chief of the Employee Management Relations Branch and Soquel Harding, Litigation Specialist representing AMS from the Hearing and Appeals Branch. As our mission area subject matter experts, Sarah and Soquel have been invited by the Training Institute to share information with you on this topic. We certainly appreciate their collaboration with AMS TI to bring you this critical information.

Just a little bit about Sarah. Sarah Tuck's career with USDA began in the Employee Relation field in 1985. She started out representing USDA in Merit System Protection Board cases in the late 1980's and EEO cases in 1994. She later moved on to supervise the litigation staff of Marketing and Regulatory programs. Miss Tuck has authored 3 publications, Surviving EEO Complaints, Discovery Practices before the Merit Systems Protection Board and Drafting Durable Settlement Agreements. She also coauthored Motions Practiced before the Merit System Protection Board and the EEOC, with Ernest T. Hadley, Esq. Miss Tuck

has been a presenter also at various events. In January of 19, I'm sorry, in January of 2010 t, Miss Tuck rejoined MMRP to supervise the AMS /GIPSA Employee and Management Relation Branch. Our next facilitator, Soquel Harding, began her federal government career as a Presidential Management fellow with the Department of Veterans Affairs. At the VA she worked for the VA Pittsburgh Health Care System and in the Office of Regional Council. Miss Harding joined the USDA in July of 2009 as a AMS representative on the M&RP Hearings and Appeals staff. In this role she represents the agency in litigation before the Equal Employment Opportunity Commission and the Merit Systems Protection Board. I now turn this program over to Sarah and Soquel.

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### **SOQUEL HARDING**

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Hi I'm Soquel Harding. Sarah and I are very excited to be presenting on this topic for you today and we hope that you find our session very helpful and informative. We have a few goals and objectives in today's presentation. We'll be discussing improvements you can make when communicating performance standards and conducting ratings as well as some do's and don'ts for performance appraisals. One thing we'll be doing in today's presentation is taking you through a case study. We've affectionally named Soquel because I figured nobody else on the line would have the same name as me and I would like for you to imagine that Soquel was a new employee in your division. We'll be following her through a series of scenarios and we'll be obtaining your input and feedback on these scenarios. Now I'll turn it over to Sarah.

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### **SARAH TUCK**

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Good afternoon everyone. I think you can tell the difference between our voices quite easily but the first topic that I would like to cover briefly with you is establishing performance plans and elements. Now you may be asking why we are

discussing establishing performance standards now when you're getting ready to do ratings for 2010. The underlying purpose of this training is to focus on how to communicate about performance matters because this should be an ongoing process. Starting at the beginning when you establish the standards that's where we thought we should start. Of course whatever you have in place now is what you need to rate on this year however after hearing some of our thoughts and advice, you might want to consider whether or not changes should be made in the standards for year 2011. We understand that some of the positions that you may supervise possibly have generic standards; however, if you or your employees see areas for improvement you may want to discuss that with your management team and have a look again at those generic standards. So what are performance standards? Performance standards refer to the written identification of the tasks, functions, and results an employee is required to perform in order to obtain a specified performance rating. The structure and content of performance standards in general must be objective and what that means is that it needs to be tied to some sort of performance rather than a trait of the employee- measurable and reasonable- in other words attainable.

Writing performance standards can be a very difficult task but when you look at the day to day duties of your employees and the job that needs to be done, it becomes a little easier to sort it out. As a general rule, an employee may set aside an employee's right in regards to performance standards, by making sure you communicate the standards to the employee a level of performance that they need to obtain in order to retain their positions. What that really means is you don't have to identify each level, minimally successful, superior or what exact performance you want but they do require it to be fully successful. Now your divisions and programs may require you to add in other levels but under law you only have to do it at the one level. Performance standards may be more or less objective depending

on the type of job that's being performed. For example a scientist would actually require more judgment than perhaps someone whose job duties remain the same day after day. But what you're trying to do is to provide a sufficiently specific benchmark that an employee can aim towards in terms of getting their performance ratings. Most of you probably know that there are different ways that you can measure performance. There are four main ones. One is quality. To me this is the easiest one but maybe it's because of the types of positions that I have always supervised. Of course as supervisors we want it right and we want it right all the time but no one is perfect so you need to come up with obtainable measures. Most jobs are not merely mechanical however. They are not judgment free. So you don't have to be overly precise but what you do want to do is describe that quality and if you need additional hints about that we can try to give you more later on. The second one would be quantity. It doesn't always apply because you may or may not be able to control how much product has to be graded per year or how often a certain thing is going to happen. But if you decide that quantity is important to your performance, then just use it carefully. Make sure it is an accurate measure that you can easily track. Another way that you can track performance is by timeliness. This is a good one too but try not to make it overly rigid. I recently had a supervisor come to me to look at an employee who she was believing not unacceptable when we were going to give the employee a warning but when I examined the standards, she sometimes was requiring the employee to perform better than the standards in terms of the timeliness. So we made a recommendation to her for the year 2011 and that she add in by 7 calendar days or as a requested. Again that gives you leeway for situations that might be a little unusual but when you really need something in a hurry, it's a priority, the Secretary calls whatever it may be. The last one is manner of performance and that could relate to something such as instead of filling out forms and turning them in, you now need for the

employee to enter data into a system. Now as the year goes along you may find that your original performance standards, there are not all that you wanted them to be. That could be because new projects have come up or new demands that you could not anticipate at the beginning of the year and so you can amend standards throughout the years but you can't make any major changes at least 90 days before the end of the rating period.

You can also just give back instruction to them via email or some other form to let them know of a change in requirements. So my advice is if you have not already done so recently before you have your employees sign off on their 2011 standards, just think about a couple of things.

One would be have there been any changes in duties, technology or methods of performing work. If so is the way that you have the performance standards accurate in terms of trying to measure how that employee is now suppose to do the duties with these new technology or methods. Another one that I am seeing some kind of common mistakes or misunderstandings is that sometimes we put things in non-critical elements and if so you really should review that to see whether or not you believe any important duties are in an non-critical element and the reason I say that is I have seen twice in the last month and have been asked to review what are called performance improvement letters and what those are are when an employee gets an unacceptable rating or is determined to be unacceptable and they are put on an improvement period that gives them guidelines on how to get back up to at least fully successful. But in the 2 cases that I'm talking about the supervisors had non-critical elements that they wanted to rate unacceptable and they wanted to put them on a performance improvement period, well you can't. Under law that only applies to critical elements. So again just look at that as a communication for example or reports are important. It may not be a prover for a non-critical element. A couple more little points and then we'll be moving on. Try to get employees

input. This is really important because not only is it just a good practice but it is required under both our agency guidelines and the Office of Personnel Management regulations. My practice is to draft the standards and send them out to employees for review. Ask for their feedback. You know, can they think of ways that they can measure the jobs better than what you have suggested, have you forgotten something that could be important to that job, has something changed that you forgot to add to the new standards. Usually your employees will know their jobs well and they might provide you something really useful to consider. Another thing that I have found, I once had an employee challenge me about a performance standard. So I asked him to try to make it more measurable or tell me how he could improve it and after about a week of course there was no response because he said, no you're right, I can't think of anything. So sometimes, employees believe it's very easy to write standards but when you ask them to try to do it they find out it's very difficult. You know again ask them especially if they can find better ways to measure the quality, quantity or whatever it may be for any elements. In the end, ask yourself can you easily monitor, excuse me, what you put into the standards? And is it really what you need from the positions you supervise. Last prior to signing, ask you and the employee do you have a mutual understanding of the standards and expectations.

We are now going to go to a question about Soquel. So if you would please read it and when you get ready to, when you have your answer ready, we'll move to the next screen and you will pick which answer you wanted.

Answer only one.

Line 7.

Oh I'm sorry.

Okay, let's go to the answer and everybody again remember which letter you think is the best answer.

We're hoping you've had enough time. With our 1 hour we're going to rather quickly. So we're going to the answer. The place where you can pick your answer.

Okay. We've got quite a few answers so far and most people picked answer "C". And that is indeed the best answer here. Although some of the others have advantages to them. It is the best answer because you're the one that needs to communicate with that employee about their standards and try to make sure they have a good understanding. Having a mentor and some of the other ones are not a bad selection but that's not the way you want to talk to your employee. You know also telling an employee to read your office manual is another tool you could use in conjunction with scheduling that meeting and getting performance standards in place. So good job. And Soquel if that's okay; I'll return it to you.

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## **SOQUEL HARDING**

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Alright, now we're going to discuss communication and its relevance to performance standards and evaluation.

I need to go to the next slide.

Communication is one of the most important factors in developing and conveying performance standards to an employee. As the supervisor, you have the responsibility to make sure that the employees understand what their standards are so you know what their expectations of them are. You must also communicate performance deficiencies to employees. If you see an issue in an employees' performance, don't just wait for a midyear or end of year appraisal to address it. It's best to address these issues as they come up. Performance ratings should never be a surprise to the employee. So if you address the issues as they come up throughout the year you can discuss the expectations of the employee and give them an opportunity to respond and talk to you about their goals and objectives in the job. If it's warranted by the circumstances, consult with your manager, the Human

Resources staff of the Employee Assistance Program before meeting with that employee. When you're meeting with an employee to discuss performance, whether it's in a formal end of year appraisal or an informal performance discussion during the year, it's very important to plan for the meeting. Go into the meeting with a clear objective of what you need to communicate to the employee and articulate it as specifically as possible. You should bring your documentation with you so that you can refer to specifics about the employees' job performance particularly if improvements are needed. Encourage your employees to keep track of their performance and accomplishments through the appraisal period and take into account anything new that could be affecting the employee's performance and this could include things like new technology or new projects perhaps a new responsibility that the employee has just starting to learn. All those things can affect how they are performing.

Now in the meetings and discussions with employees, 2 way communication is really essential. You should, as Sarah talked about, you should ask the employee for their feedback and input and how the employee articulates what he or she believes the job responsibilities are and this will help you insure that you are both on the same page. Really listen to what they are saying and ask the employee to provide solutions to any issues whether it is a performance deficiency or new duties that they might have, because this will help the employee better understand the expectations of the position and become more invested in doing well. Also they are less likely to challenge a performance rating or standard if they have had the input in creating the standards and measurements of performance.

Ongoing feedback is really the way to go. In some cases it may be necessary to work together to form an action plan for the employee to follow. So now we're going to look in on our fictitious employee Soquel again and see what she's been up to. So, go ahead and read that scenario, she's been a hard worker, but she's

struggling when it comes to knowing the actual scope of her duties. I'll let you read that for just a few seconds and we'll move on to the answer choices.

<Time for reading>

All right, as before, read through the answer choices and remember which one you want to choose and we'll be doing the polling on the next slide.

All right you can go ahead and vote.

And it looks like the majority of people have picked answer "C", which is the best answer. Um, now some people have chosen "B" and the reason that "B" is not the best answer, while it could be a good answer in certain circumstances, in this situation, since Soquel is a hard worker and she is trying, um, "B" isn't the best answer in that situation. So, for this particular issue, the best thing to do is go over the performance standards and make sure that she understands what she needs to be doing and see if that solves the problem.

All right, we can move on to the next slide.

Now the midyear review is a great opportunity to assess an employee's performance and make sure that they're meeting the standards. So this is a good time for you, as the supervisor to the employee any areas where they are doing particularly well as well as any areas that need improvement. Be very specific in this review because that will give them the opportunity to change things um, if they need, if it requires, if they need to. Make sure that the employee is clear on what is expected of them. And this is also a good time to check and see if any changes need to be made to the standards. Since you are in the middle of the year, you can evaluate what their job is and if you need to change anything about the standards as it pertains to what they're working on. It's good practice to have your employees write up accomplishments for the mid-year and tie their accomplishments to each element of the performance plan. And this really helps them understand the performance elements that they are working for, working towards.

And we'll move on to another situation, a scenario. So now Soquel knows what her duties are, but she is making serious errors. What do you do? So, we'll let you read over that scenario for a moment.

<Time for reading>

And now we can go to the answer choices.

<Time for reading>

Take a moment to review those and remember your answer we'll move on to the polling page in just a minute.

< Unintelligible> <waiting for results>

Okay now it looks like a lot of people chose answer "B", which is the best answer in this situation. I did notice that quite a number of people chose answer "C". Now answer "C" is a good answer because having a mentor can be very helpful to employees. However, if you notice in answer "C" it says the mentor can do the work for Soquel if needed. We want to avoid a situation where a mentor is actually doing Soquel's duties. Um, "C" is not the best answer because we generally don't want to take away duties, in this particular situation, just because someone is having trouble performing them. Um, "B" is really the best answer. And then "A", the problem with "A" is that it's not very specific and you're not really getting into, Soquel might be doing okay, but then she is making mistakes so it is good to really address the issues in an ongoing way so that she knows what she can change.

Okay and I will turn it over the Sarah now for the next section

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**SARAH TUCK**

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Okay, and we'll move on the next slide and you see the introduction to this one we're actually getting to what you'll be doing here shortly.

Okay we'll have a slide up in just a second. We're getting chat messages which is slowing down our ability to... okay here we go!

Alright...thank you, Soquel. Along with asking employees to give you accomplishments, which is what Soquel said. This can be an also a very good time to get feedback from your employees. These are just some questions you may want to ask your employees. You know every situation is different. But, um, you might want to have them give you feedback such as "What do you consider to be your most significant accomplishments this year?" "Do you feel that you have accomplishments that were not reflected in your performance plan?" "What challenges are you facing in our work unit and what are your ideas and suggestions on how to address those challenges?" "Do I give you enough feedback or do I talk too much?" Employees will vary on that one. "How can I better assist you to get to your best performance level" And then another one might be how "What are your goals for the upcoming year and how do you see them fitting into our program goals?" Sometimes employees can give you great ideas that then help. Plus, you're involving them in the process.

Um, now you will see the next one talks about justifying appraisals, especially when an employee's rating was lowered from the previous year. Employees um, once they have had a certain rating for a year or two or maybe even three, it becomes expected. And about the only thing you can do with that is to tell them that "Well, that's why we rate on a yearly basis." Performance can change and that change can be because of number of different reasons including, maybe a change in methodology. Some employees may be having trouble with learning technical aspects or computer programs that sort of thing. Another thing is the quality could have changed from the previous year. And if so, just be prepared to discuss that, because the employee will probably look taken aback, surprised maybe angry or upset and you want to be prepared to calm them down to let them know their still

doing okay and your focus in on the next year and how they can get back to where they are generally rated.

I have quite a few tips. Oh, um, first before you actually do your final rating it is required for most of us to make sure that your supervisor has concurred in that rating and there is a good reason for that. Because if you give your employee feedback and then your supervisor disagrees with your rating or assessment of that employee that can be very awkward and create a lot of anger. Um, in terms of how to provide positive feedback, of course that is the easy part, but let me give you few phrases that you may want to adjust to your use. Here's one;

Let me tell you some of the things you've done well...

Or

As noted in your own self assessment, I agree with...

A second one could be;

Such as in the XYZ project, you identified that project and helped solve problems we were having.

A third one could be;

You do a good job of keeping me and your co-workers informed, that helps everybody.

A fourth one could be;

You're willing to take the lead or, take responsibility or, be accountable for...

Another one could be;

You volunteered to work on a project, or to help somebody, or to be a mentor...

The sixth one could be;

You properly credit others for their work, particularly when you're working in a team atmosphere, that's helpful.

And as we suggested earlier, you might want to ask them about what they think their major accomplishments were that contributed to the mission of your program.

Ask them what they would like focus on or improve in in the coming year. Sometimes you'll get very good feedback there. Um, you could also describe their contributions to a team effort, if you are working in a team situation. And then last, you may say "Well I spoke to some of your customers, or your coworkers or whoever it might be...And their feedback indicated blah blah blah..." Now that one could be both positive and negative by the way, so you could also use that for your less than positive feedback.

Moving on to the borderline or perhaps unacceptable performance, this is obviously a much for difficult conversation. The manager is nervous; the employee may or may not be nervous depending on how much you've talked to them throughout the year. But in any event you're gonna want to have a framework ready for that discussion. It's absolutely vital. Because having that good plan will help to keep the discussion on track with accomplishing the objectives of your meeting. And will help to reduce your stress because you're ready and hopefully you've prepared for any responses you think the employee may make, but it also is easier on the employee if you're not struggling with what to tell the employee. Uh, you could go in a different direction if you're not careful so a plan is a fine idea.

So, what I really do when I have something that is less than positive? Well, first of all when it is time to meet with the employee, you need to clearly identify the problem or problems that need to be resolved. Have documentation handy as appropriate, as Soquel mentioned. And as you're moving through the problem, the more the employee understands the problem the more likely that options and solutions to solve the problem will be found between the two of you. It is quite difficult to solve a problem if it is not clearly understood by both of you.

Secondly, as we're talking about here, communication is going to the key. It's a two way effort. If it's only going one way you're not really communicating - you're talking to. uh, as previously noted, giving the employee an opportunity to respond

gives him or her a chance to vent feelings, frustrations perhaps and it also acknowledges to him or her that you are listening to him or her and that they are an important part of your program. They could also provide information that you may not have known about that might make you change your mind about the rating or at least consider the rating, take it back to your supervisor. And another big plus to that is the employee is less likely to interrupt you because you have listened to them.

And two last hints, if you can get the employee to acknowledge that there is a problem you are already halfway to a solution. This is huge. because now the question is not whether there is a problem, but only how to fix it and if you and the employee agree that you need fix something, then you are much more likely to find a solution that will work because the employee had a part in identifying the not only problem but also in possible ways to work it out. Then last, you'll need to decide on what kind of corrective actions need to be taken. Now this can be done verbally or in writing. Although, if it is more than something simple, probably in writing or at least confirming it in writing would be helpful. First of all, it will help everybody recall what you agreed to and secondly it makes it a bit more formal. It makes the employee realize that you may be serious especially, again borderline or unacceptable performance. And third, it serves as that road map. Here's what planned to do, are we there yet? If not, should we look at our road map and think of a different plan?

Now depending on the seriousness of the performance issues, corrective actions could merely mean that you're telling the employee to just stay focused on your goal try not to get sidetracked by all these other things lessen these distractions that I seem to think might be contributing to this or it could mean having a mentor assigned or potentially formal or informal on the job training. If the issues are serious, then either a performance improvement period or denial of within grade

increase might be warranted. As always, try to keep your tone calm and factual. That way the employee will understand it and you're not gonna react to any anger they might display or tears, whatever it may be.

Um, on the last, oh, I'm sorry on the next slide, I think we're on the next slide. Ah yes. Employees. Probably all of you have more than one employee that has very similar or the same job duties. That's where your performance standards really help you out in trying to rate employees fairly, based on their performance. However, if you're trying to establish the difference again, this is where I think quality or timeliness or the actual results of their work comes into play. That will help paint the difference if someone is performing, again the same duties, but they're doing them better they are doing them faster, they are doing them more efficiently they have had a bigger impact on mission.

Okay, we are now going to move on to Soquel's next study.

Okay, we're gonna give you some answers and you'll please pick one and you'll do the voting.

Okay, I hope everyone is ready.

Okay we have quite a few answers in and they are still coming in, but it's overwhelmingly letter "A". Which we do think is the best response here. At this point, she has bettered her performance and even though she has bettered her performance it is not at above fully successful. You are pleased with her, you are pleased with the progress you've made, you can say "I was really getting concerned about you, but you've really showed some improvement. Here are some more things I would like for you to work on in the future." It is true that you are the supervisor and you make the rules, but it's not all that helpful to tell the employee that. They know it. They might not act like it, but they know it. Ignore her request, that's not ever a good idea to totally ignore your employees. You don't want to get into a conflict, but it's really how you handle that conversation. And "D" she's

lucky? Well that might be true, but it never helps to tell an employee that she's lucky that you're a nice person. You're a good supervisor and you're trying.

Alright, Soquel?

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## **SOQUEL HARDING**

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Alright, now we'll move on to our final section and discuss the best and worst practices in developing performance standards and conducting performance evaluations. And we can move on to the next slide.

Preparation is key. Like I talked about before, it's important to plan the objectives of a performance meeting before it occurs.

Another best practice is to review the performance standards periodically and before the meeting. Make sure the standards are still applicable to what the employee is doing. If you have trouble with rating an employee, it may be a signal that your standards need to be reviewed.

Always remember to maintain a positive attitude during the appraisal and focus on the employee. Try not to get distracted with other work or other documents on your desk.

Address performance concerns and give praise promptly. Like I said before, ongoing feedback is very important. So you don't need to wait for a formal discussion like a midyear or end of year meeting to do this.

Link the employee's contributions to mission of the agency. So they can see how their work impacts the agency as a whole.

And ask the employee where he or she feels they need development. Encourage them to be specific. What has gone well for them this year? You can always work with the employee to identify training opportunities that can provide such development.

Ask the employee how you're doing as a supervisor. Ask them what they need from you to improve their job performance.

And we can move on to the next slide.

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## **SARAH TUCK**

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We got the message that someone needs us to slow down on the scenarios so we will do that for the last two that we're gonna talk about.

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## **SOQUEL HARDING**

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And one other item, as Sarah talked about, that you can justify different ratings - whether between employees with similar job descriptions or with the same employees year to year. So we have a couple of scenarios and as Sarah said, we'll give you a little more time to review the answers.

So the first one is in front of you now. And the situation is Soquel has filed an EEO complaint. So take a moment to review that and we'll move on the answers in a second.

<Time for review>

Okay, hopefully everyone has had enough time, so we'll look at the answer choices and we'll give you a few minutes to look at that.

<Time for review>

Okay, now we'll go to the polling slide and you can choose which answer you want.

<Time for polling>

Very good, it looks like a lot of people have chosen answer "C". Um, and that is the best answer. Basically, while A, and number of people picked A as well, while it is good to maintain a calm demeanor and facilitate a discussion, the time to do this not during the performance appraisal. You really want to make sure that your are not linking the performance appraisal in any way to their EEO complaint,

because of any retaliation concerns. So C is really the best answer. B is also not the best answer. You don't want to indicate to an employee that they would do better if they didn't file an EEO complaint, because that is suppressing their right to file an EEO complaint. So C is really the best thing to do in this situation. Keep the discussion to Soquel's performance and keep it away from the EEO complaint.

Thank you for your responses to that. And we have another scenario now?

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**SARAH TUCK**

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Yes, and this is our last one on Soquel. So please take a moment.

<Time for review>

And we're hoping that everybody is where we are, we understand that some people are on dial up and that might be slowing you down, but let's move on to the answers.

<Time for review>

Okay we hope everyone has had enough time to look at this. So, we'll move on to choosing your answers.

<Time for polling>

Okay, I hope folks've had enough time. We had a lot of people pick answer "A" and then actually a number picked "B" a couple of picked "C" and a quite a number have picked "D". For purposes of this presentation and in real life, actually - A is the best answer. The reason for that is that, first of all, mediation is a normal part of the EEO process and almost every case, if not every case, it will be brought up by the EEO counselor. So that is the safest place for you to talk about any legal issues where you could potentially misspeak or the person could misinterpret what you said. You are safe to discuss things thoroughly in mediation. You're not always so safe in any other venue anymore. Um, you know, B is an interesting answer. I once had a supervisor who did rate an employee unacceptable in her EEO element

because she had filed an EEO complaint against him. He said she was obligated to bring that to him first instead of going to the EEO counselor and her "shoot first, ask questions later" style was not acceptable. C, again ignore her, you could say "Hey this isn't the place, lets move on" that would be a way to handle it, but still A - suggesting mediation, because you can plant that seed in her mind, that's where you can do it safely. D, in the old day, that might not have been such a bad answer, but the case law has changed in such a way that you are much safer going the mediation route in order to discuss an EEO complaint.

We are now moving on to what we are calling "Worst Practices". Okay and I am hoping that is coming up for you on your screen. Now we have talked about a lot of these things already, so I am not going to re-read those but instead provide you some additional thoughts.

Going into a performance meeting angry or upset is of course one that's never going to help you or the employee.

Another one is having bad performance standards. I'm not gonna go over that one much again other than to say; Are they overly rigid, inaccurate or unreasonable?

Another thing that is very important and all of us do it at some point or another is that we transmit non verbal communication that might appear negative to the employees. Some of it may just be a habit, but you can try to work on it - don't roll your eyes, try not to cross your arms unless you're just casually sitting together at a table and it's obvious that you're relaxed. Try to avoid looking at email or other paperwork or answering phones when you are talking to employees about performance. You really want to focus on him or her because they are important to mission success. And the more you can help them the better.

We've already been through the EEO part, but it really is a dangerous thing. Whether it's in email, um or casual conversation with someone else out in the hall

way or even with another coworker who you might really like - one of your best employees who says "I know so and so filed, I think that they're unfair". It's just best to avoid that, say it's their right and we'll deal with the merits when the time comes.

Trying to diagnose an employee's problem, especially as it relates to a possible medical condition. I recently, not with AMS, thank goodness, but with APHIS a year or so ago, where um, a manager sent an email to the employee relations staff diagnosing that her employee had Alzheimer's and then saying he can't remember anything, he can't remember how to get to work. We've had to take calls from his wife to help him. Now it may be true he had Alzheimer's but it's not a good practice, it could be other things.

Talking down to employees is never a good idea. Again, you know even if they may not be your best employee, they are still part of your team. And I always tell my team, I don't look good unless you look good, because you perform the work I merely supervise it. So you want make sure that they all feel they are important to you and the success of your mission, whether they are fully successful, superior, or outstanding and that you value their contributions. Of course you value the ones, the employees who perform more or higher, better. But that doesn't mean that everybody is not part of the team.

You also don't want to accuse an employee of something you can't prove. That's sort of an obvious one, but sometimes we do. If you are unsure of something you can certainly state it this way; it is my perception that...I really don't know, but I am concerned about... and get their feedback, Uh and we've been through this many times with you but if there are problems, you really want to be talking to that employee on an ongoing basis. Even though you don't want to surprise them, it doesn't mean that they won't be angry still or upset because they got a rating different than what they expected. However, if you talk to them throughout the

year and you're prepared for your conversation, " well as you know I talked to you on April 2nd about the XYZ case, I had follow up on a different issue in May and then in August there was another problem, this has been a different year for you and we're hoping for better performance next year."

Soquel?

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**SOQUEL HARDING**

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Alright, that's all that we have here. Thank you all for participating. If you all have questions, feel free to chat them in - we have about ten minutes left and we can try to respond to them.

<Waiting for questions>

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**SARAH TUCK**

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Loretta, did you see a question you would like for us to try to answer?

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**LORETTA GLADDEN**

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Yes, I did, the question coming from the group is - What if an employee brings up his or her EEO complaint while they are discussing their performance?

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**SARAH TUCK**

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Okay <cough> would you take that?

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**SOQUEL HARDING**

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Yes, I think one of our fictional Soquel scenarios addressed a situation sort of like that. Um, as Sarah mentioned before, mediation is the good thing to suggest, as that is part of the EEO process. It's really good practice to separate the EEO complaint from the performance process, even if you don't mean to you don't want make it appear to the employee that their rating is any way affected by the fact that they chose to take on the EEO process.

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**SARAH TUCK**

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Okay, we have another question that came in.

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**LORETTA GLADDEN**

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Are you supposed to conduct a midyear review with staff who only have performance standards in place for 90 - 120 days?

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**SARAH TUCK**

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Yes, the reason for that is that employees do need to be under performance standards for 90 days before you can conduct a formal rating and you may want to tell them at midyear " hey you haven't been under your standards very long or just got employed. I have limited information upon which to base my performance assessment, my midyear assessment. However, here's what I see you doing well in and again this is a good time to get feedback. "How are things going for you?" "What can I help you with?" Soquel, do you have anything to add to that?

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**LORETTA GLADDEN**

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Okay, thank you we've got another question. Is there...

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**SOQUEL HARDING**

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It looks like a situation, is there anything different you should do if the employee is in a different place from you and you're conducting the performance evaluation by phone and I know probably for a lot of you that is the situation. Um you know, certainly phone conversations are not as intimate or as personal as face to face conversation, but you can take a lot of the best practices that we discussed and be very specific with your employee. If there are documents they need to see make sure you fax or email them to employee ahead of time so you both can be looking at the same document at the same time. And really focus on the conversation so that the employee knows they have your undivided attention.

Again, you know you can listen and make sure you ask for their feedback and input during the performance evaluation.

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**SARAH TUCK**

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Okay we have another one. How do we handle the employee who is unsatisfactory on the non critical elements if we are not allowed to put them on a performance improvement plan? That one is a somewhat of an interesting and complicated answer these days, non critical element you can rate them and they may end up getting a minimally satisfactory rating depending on how the other elements are graded. If they are minimally satisfactory you can withhold a within grade increase if there is one that is coming up in the next few months. However, it's something you probably would want to consult with me or my staff about prior to doing it. It's a lot of work, A- which is not a reason not to do but B - the person has full appeal rights as though you had fired them. And so generally speaking my advice would be to either consider whether or not that really is a critical part of their job or B give them a warning. If the within grade increase is due within the next couple of months, you're gonna want to talk to my staff. There are documents we have to create, there are reply rights that employee has and then there is reconsideration process as well.

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**LORETTA GLADDEN**

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Okay, thank you. We have another question regarding, how you should handle a situation if the employee actually feels that you're the only one as a supervisor to actually do the performance rating, um, and not theirs.

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**SARAH TUCK**

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If they don't want to toot their own horns, just give us our rating.

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**LORETTA GLADDEN**

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Yes.

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**SOQUEL HARDING**

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And I know a lot of tech people tend to be modest on their performance ratings and they don't want to have to tell you all the great things they have been doing. They expect you as the supervisor to know. So, I think it's important for you to discuss with all of your employees, maybe if you have a team meeting or something to really go over and say " I have a lot going on and while I do notice what you do, for to be able to really recognize you for your performance it's best if you tell me so I have it in front of me." So really encourage employees that it's not tooting their own horns, they need to be doing this in order to show you what a great job their doing.

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**SARAH TUCK**

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Especially, I think if they're not at the same location as you. It really is a very difficult chore to rate employees long distance. You will have some work products, etc. but I would just advise them "hey, I want to give you as good a rating as you deserve and if I forget things, you're relying completely on me and I have 14 other people to supervise." If they refuse, then so be it. Their rating may suffer as a result.

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**LORETTA GLADDEN**

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Thank you, uh, Sarah. We have another question in reference to performance elements. And how do you handle a situation if you find that the performance elements are not accurate at the time of the performance appraisal?

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**SARAH TUCK**

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That is a tough one because you are stuck with them for that performance rating period. Now I would ask maybe that that person maybe go ahead and call our

office for some help, because it may be very fact dependent on what exactly is not accurate. Is it only part of a standard? Is it the entire standard? Is it something you can talk to the team about and say "You know what; I've discovered that this is no longer accurate, you know I would really love your input for this standard in 2011? I'm gonna sort of ignore it because it turns out it's really not how we do our jobs anymore." But it certainly is going to be very fact dependant on your situation. So I would ask that you call our office on 202-720-5721 and ask for your employee relations specialist.

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**LORETTA GLADDEN**

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Okay we're gonna take one more. And the question is, do you recommend a third party participate in the performance discussions.

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**SARAH TUCK**

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It depends. I would say if you do it for most of your employees then I would say it's just fine, For example, on my team I have a team leader and I am going ask her to come first of all, because she may have additional feedback for the employee or the employee may have a question for her about how she can help them in their performance. I would not do that merely because someone has filed something against you because, that has come up in third party cases a couple of times where you don't believe them any more they're a liar and you want to have a third party present. But you may have a third party present for everyone that year just to cover yourself.

I see we have a lot more questions.

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**LORETTA GLADDEN**

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Why don't we take one last question?

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**SARAH TUCK**

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Okay one last question. Tell us which one.

Okay, do you mind if I just go ahead with this?

I have heard that a superior rating is an average rating and employees will consider a fully successful rating as a bad evaluation.

Um, there have been a lot of studies on this kind of thing and that perception is out there. And I think only you can work with that. It depends on how you have your standards written of course. Tell them that you understand their opinion. You might feel the same way but fully successful means you are doing what we're paying you do to. Superior just means you're doing more than we expect you to do on a consistent basis. But it is true in USDA, in particular, we have somewhat inflated ratings and therefore employees feel more of an entitlement. But all I can say is review your standards and that may help you to say why you're rating someone differently the next year. Again, you might have better measures in place. Um, you may give them something to shoot for to be superior, but it should not be considered the average rating. In my opinion, it is difficult though.

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**LORETTA GLADDEN**

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Okay. Thank you, thank you very much Sarah and Soquel. It looks like we've got quite a bit of questions coming in and we certainly appreciate all of you participating in sending in your questions. And we certainly will try to get those addressed as well. Thank you so much again Sarah and Soquel for that very helpful and insightful presentation. I am sure our supervisors have found it extremely valuable especially at this time of year. Just as a reminder, just want to make sure you remember that the information from this webinar will be accessible on the AMS TI homepage on the AGNIS website and will available 24 hours a day, 7 days a week for a year. And you will be able to access that information shortly after this broadcast.

A couple of other things before we conclude and one is that we're planning, AMS Training Institute is planning to do some additional periodic webinars for supervisors and we hope that this one has been helpful for you. And for future ones, we want to do them and we don't want to them in isolation of you. So if you have any suggestions on topics for future webinars, we would like to ask that you also please send those to us as well. To our email address and that would be the [AMSTI@UDSA.GOV](mailto:AMSTI@UDSA.GOV). The other thing I would like to share with you, if you have not had an opportunity to take a look at our AMSTI homepage, listed there is an update on the career learning program. It is something that we have put out there and you all have been working with for quite a while, but we have some new features on that. We have the PDF version and we have an interactive version. And this is another thing that came about as a result of the assessment. This particular career learning program has been updated and revised and I would like to invite you all to take a look at that.

And the final thing is, now that you have finished taking the webinar here today, you will be able to bring up your learning plan on the AGLEARN and mark this webinar as a successful completion. And if you are not familiar on how to do that, instructions on how to do that will also be also be noted on the AMSTI homepage.

And again, thanks to our facilitators, Sarah Tuck and Soquel Harding of the AFIS Human Resources division and the more than 120 of you who have helped to make this webinar a success. Thank you very much.

Ladies and Gentlemen, that does conclude the conference call for today. We thank you for your participation and ask that you please disconnect your lines. Have a great day everyone.

■ END TRANSCRIPT --