

Addressing and Resolving Poor Performance

A Guide for Supervisors



**United States
Office Of
Personnel
Management**

Office of Workforce Relations

Table of Contents

	INTRODUCTION	1
	What Is the Purpose of This Booklet?	1
	How Should I Use This Booklet?	1
	Why Should I Address Poor Performance?	2
	What Can I Do To Prevent Poor Performance?	4
STEP 1	COMMUNICATING EXPECTATIONS AND PERFORMANCE PROBLEMS	5
	Why Counsel an Employee?	7
	What's the Difference Between Poor Performance and Misconduct?	7
	How Can I Effectively Counsel an Employee?	7
	Step One Checklist	9
	Step One Questions and Answers	10
	Counseling Employees About Performance Problems	12
STEP 2	PROVIDING AN OPPORTUNITY TO IMPROVE	15
	The Opportunity Period	17
	Special Considerations	19
	Deciding What Comes Next	21
	Step Two Checklist	22
	Step Two Questions and Answers	23
STEP 3	TAKING ACTION	25
	A Supervisor's Authority	27
	Appeal Rights	30
	Step Three Checklist	31
	Step Three Questions and Answers	32
	SPECIAL TOPICS	35
	The Probationary/Trial Period	37
	Within-Grade Increase Denials	38
	Special Topics: Key Points To Remember	38
	Special Topics: Questions and Answers	39
	APPENDIX	41
	Sample Memorandum of Counseling	45
	Sample Opportunity Notice: Example #1	46
	Sample Opportunity Notice: Example #2	50
	Sample Proposal Notice	55
	Sample Decision Notice	59

Introduction

What Is the Purpose of This Booklet?

Most Federal employees work hard, and their performance is considered good or even exceptional. However, at times Federal supervisors are faced with employees whose performance is not acceptable. The purpose of this booklet is to help you address and resolve poor performance. This guidance should be used in concert with the technical advice you receive from your agency's human resources staff. You should also be aware that most agencies have specific procedures and requirements that must be followed, whether they are part of a negotiated bargaining agreement or other internal agency regulation.

How Should I Use This Booklet?

Addressing and resolving poor performance is a three-step process. These three steps are:

STEP

1

COMMUNICATING EXPECTATIONS AND
PERFORMANCE PROBLEMS

STEP

2

PROVIDING AN OPPORTUNITY TO IMPROVE

STEP

3

TAKING ACTION

This booklet is organized accordingly into three steps. At the end of each section, you will find a checklist as well as answers to commonly asked questions. In the appendix, you will find samples of documents that can be used throughout this process.

Questions and Answers

STEP **1**

**COMMUNICATING
EXPECTATIONS
AND
PERFORMANCE
PROBLEMS**

Tips

*Key
Points*

Checklists

STEP
1

This page intentionally left blank.

STEP 1

At times, you will need the assistance of the Employee Assistance Program (EAP) that is available to provide counseling for physical or mental conditions, or other personal problems. It's a smart idea to know the name of the EAP specialist in your organization and to make sure you understand the services offered through the EAP and how to refer an employee. By doing so, you are prepared to respond if employees raise personal problems that are impacting their work.

Topics Discussed During Counseling Session

- ✓ Your Expectations
- ✓ The Employee's Performance Standards
- ✓ Critical Element(s) Where the Employee Is Failing
- ✓ What the Employee Must Do To Bring Performance to an Acceptable Level

Effective Counseling Tips

- Before counseling, make sure you can state clearly what would constitute acceptable performance.
- Whenever possible, conduct the counseling session in a private place.
- Arrange adequate time for your comments as well as comments from the employee.
- Clearly state performance expectations and seek confirmation that the employee understands those expectations.
- Focus on the poor performance, not on personalities or other distractions.
- Always maintain a constructive tone, along with a calm and professional demeanor.
- Seek cooperation, NOT confrontation.
- Remember that your goal is to improve the employee's performance, not to win an argument with the employee.
- Try to end the session on a positive note by emphasizing that your mutual goal is improving the employee's performance.

Note: A more detailed discussion on how to prepare for and conduct a counseling session is provided at the end of this section.

STEP
1

This page intentionally left blank.

Questions and Answers

Tips



PROVIDING AN
OPPORTUNITY
TO IMPROVE

*Key
Points*

Checklists

STEP 2

If the employee demonstrates that he or she is a qualified individual with a disability, you will need to work with your human resources office to determine whether the accommodation request will cause an undue hardship.

Does the accommodation request cause an undue hardship?

Consider the following factors . . .

- ✓ The number of employees in the organization.
- ✓ The type of facilities.
- ✓ The size of the organization's budget.
- ✓ The cost of the requested accommodation(s).

An accommodation should be designed to address an employee's physical or mental limitations so that the employee has as much of a chance to achieve acceptable performance as a non-disabled person. While each case may be different, as a supervisor your responsibility is to resolve the performance problem, not the mental or physical disability. Keep in mind that a request for accommodation does not preclude you from proceeding with a performance-based action. In many situations, accommodations can be put in place at the same time an opportunity period is started.

Requests for Leave

Another issue that sometimes "stumps" supervisors is what to do when an employee requests leave during the opportunity period. You should consider each request for leave based on the specific circumstances in the request. Know your agency's rules for approving or disapproving leave and get some technical advice from the human resources office before you deny any leave during this time. Additionally, keep these thoughts in mind:

- An employee on approved leave (annual, sick, or leave without pay) cannot be penalized for work that is not completed while on approved leave.
- An employee should be aware of agency (or office) procedures for requesting leave and for providing medical documentation (especially important for accommodation requests). The employee should also be aware of what action the agency may take if these procedures are not followed.
- Be sure you understand the various family-friendly leave entitlements available to employees, such as the *Family and Medical Leave Act of 1993* and the *Family Friendly Leave Act of 1994*.
- If an employee is on approved leave for a significant period of time during the opportunity period, you may want to extend the period to allow the employee a "reasonable" time on the job to improve.

Questions and Answers

Tips



TAKING
ACTION

*Key
Points*

Checklists

