

# Case Studies from Express



## Performance Appraisals

By studying other companies' performance appraisal challenges, you can learn what mistakes to avoid and what steps to take to improve your appraisal process. Express Personnel Services is prepared to help you learn more about performance appraisals and other human resource issues. Contact your local Express office today for information on performance appraisals or to find out how Express can help solve your HR challenges.

### An employer's actions must be consistent with how they evaluate their employees.

An employee filed a discrimination lawsuit alleging she was treated unfairly due to her race when a new supervisor discharged her for poor performance. When the employee's attorney reviewed the employee's records, they found that she consistently received outstanding performance reviews. The employer lost the case and had to pay compensatory and punitive damages.

#### What Can We Learn From This?

Be aware that performance appraisals can be a tool for a plaintiff's counsel if not used properly. It is important that your actions are always consistent with your written performance ratings. This is why you should always be truthful and factual during the evaluation process.

### Never overrate an employee to avoid giving them negative feedback.

An employee who was having obvious performance challenges received a high rating from his supervisor on his annual performance appraisal because the supervisor felt sorry for him. A couple of months later, the company owner asked the supervisor to terminate the employee due to his low performance.

#### What Can We Learn From This?

If the supervisor would have terminated the employee, the company could have been exposed to a wrongful termination claim due to the discrepancy between why they released him and what he was told during his review. Because of this, it is important that you never overrate an employee to avoid giving them negative feedback. If they need to make improvements, you should set them up on a performance improvement plan (define the problem, give solutions, provide specific instructions regarding the outcome you expect and tell them when you expect to see improvements). Be available to provide coaching and guidance as needed. If the performance does not improve, you now have documentation (paper trail) showing their was a specific performance deficiency and that you gave the employee an opportunity to improve.