



EFFECTIVE EMPLOYEE EVALUATIONS

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Many firms don't understand the value of a well-executed evaluation process. The employee evaluation is one of the most effective tools available to communicate expectations, provide accountability, and make potentially difficult discussions easier. Many attorneys and administrative managers regard evaluations as a necessary evil. For attorneys, that often translates into avoidance or less-than-best efforts. Evaluations are unfortunately more often categorized as something to "get through" rather than the opportunity to utilize a business tool which can help improve work performance.

I am often called upon to help a firm implement an evaluation process. I recently provided a hot line caller with my resource in this area. Instead of just hitting SEND I decided to re-read the collection of articles I have gathered in this area. While all contained helpful bits of information, all also contained bits of advice I disagreed with to some extent. I decided it was time to write my own article on the topic.

Following are the essential elements of an effective employee evaluation process. [For a sample of actual evaluation forms, PBA members may send an email request to lawpractice@pabar.org.] Keep in mind that it takes the same amount of time to do evaluations incorrectly (ineffectively), but doing so can be damaging to employee performance, client service, attorney productivity, and even put the firm at risk for employment litigation or intrusive and costly investigations. Any tool can be used the way intended for desired results, or misused for disappointing results. The choice is yours.

Clear performance criteria, goals, and objectives.

It's essential for every employee of the firm to know what behavior and performance is expected. This should be clear during the interview both by reviewing the job description, and by discussing expectations. With proper orientation & training, the policy handbook and performance criteria are again reviewed, with identification of resources available to assist the employee in achieving goals and objectives. The more clearly you can explain to an employee

what is expected, the more likely you will have a positive outcome. Remember that sink-or-swim environments tend to set people up for failure who might otherwise succeed.

Scrupulous honesty: no conflict avoidance.

This is one area where employers frequently fail. Yes, it's hard to have difficult conversations. Let me point out that the conversations can be far less difficult if you utilize some of the other strategies listed below. But I recognize that sometimes the emotional and behavioral push-back doesn't seem worth it.

Failing to be honest usually produces many undesirable outcomes. In the long run, shortcomings become more glaring, and more irritating. The best efforts to hide these feelings are usually betrayed by an increasing lack of civility and patience. The resulting push-back is far worse than any short-term reaction which honesty would have solicited.

Failing to be honest ensures that no performance improvement is obtained, because the employee is unaware any is required. More serious is the fact that an employer is potentially exposed to all sorts of accusations and retaliatory claims when employment relationships end or break down, because at that point the "record" betrays the truth, and always costs the employer credibility.

Objective and equally applied standards.

If you have never read my article "Killer Bees and Sacred Cows" please request a reprint. It will explain how employers unknowingly create inequitable situations at work. Favoritism — even when created by the best of intentions — creates poisonous work cultures. It creates conflict, destroys teamwork, lowers morale, and increases turnover. Firms which have such cultures are usually stunned when it comes to light.

A firm should ensure that every employee is accountable to the same standards. Compensation should be aligned to reinforce compliance and performance.

No surprises: frequent regular feedback and thorough documentation.

If someone arrives at their evaluation and is startled at the feedback, be it positive or negative, the firm has failed to meet basic communication requirements.



Feedback should be persistent and consistent throughout the year. If someone fails to perform adequately or violates procedure, it should be discussed in the moment. Similarly, if an employee excels in effort, compliments should be provided when excellence is exhibited. The performance evaluation is a time to review the overall performance for the year, with specific examples provided only for illustration.

I frequently encounter employers who are unhappy with some aspect of performance, but instead of discussing it right away, they put it “in the file” for discussion at the evaluation. (And hopefully by someone else!) This might be months away. The employee who hears about it for the first time at the evaluation meeting most often feels ambushed, and angry that this was not discussed at the time. If you have not read “Catch Them Doing Something Right” please request a copy. It will explain why immediate feedback — public for praise and private for criticism — is a far more effective means of communication.

Coach for success through improvement plans.

The reality is that most employees do their job well for the most part, and the evaluation process can focus on positives. I like to think of the evaluation as an opportunity to look for ways to fine-tune procedure and organization. Sometimes the slightest course corrections can have widespread applicability for similar employees. It’s also a great opportunity to identify any opportunities to expand skill sets, or advance.

For the small number of employees who are not meeting performance goals, it is essential that the evaluation result in development of an improvement plan to address any deficiencies. As a simple example, let’s address someone who is habitually late to work. A performance plan may include change to wake-up time, change to transportation schedule, changing morning routine slightly for children, and so forth. It may even include an adjustment to work hours. The important thing is that the employee must think through what specific actions are required to achieve the desired objective.

Get feedback from everyone relevant.

A frequent mistake is not to solicit feedback from all people who can help determine performance. Is teamwork important? Then coworkers should be able to provide some input in that regard. Is the employee following required procedures? The bookkeeper or billing clerk may have valuable feedback. Anyone who can help provide a complete picture of performance should be asked for feedback.



Self-evaluation.

One of the best conversation starters is the employee's own self-evaluation. I find that employees frequently tend to be more critical of themselves than their employers. It's much easier to discuss problems which are already identified by the employee. When employees assess themselves unrealistically better or worse in an area of performance, it opens the door to candid discussion as to what accounts for the difference in perception.

Advance preparation.

This is an important process. Don't wing it. Think in advance about what you want to discuss. Be prepared with specific examples to jog the employee's memory or quiet dispute. Think about what outcomes are desired.

Two-way discussion: not a lecture.

This may seem obvious at first blush. But reality dictates it isn't obvious enough to most employers. It's usually a rushed process which comes off very one-sided. It's very important to allow the employee time to express his/her own sentiments regarding performance (hence the self-evaluation) as well as the work environment and anything that might help he/she be more successful in meeting goals and objectives. In some cases you may have to push a little to get the feedback. Even when you have a high-performing employee, there is always room for improvement. Factors external to the employee may be creating barriers to better performance. You can only uncover those nuggets of valuable information through discussion.

End on a positive note.

Even if an employee's performance has been subpar, and you discussed each aspect in detail, you can still end on a positive note. How? You will be coaching the employee in development of an improvement plan. You will be identifying any resources that the employee might utilize better. You will be clearly showing you are vested in the employee's success, or at least giving the employee every chance to turn performance around.

Many times I have concluded tough evaluation meetings with words to this effect, "I know that you're capable of turning this around if you want to. I will do everything I can to help guide you and make it clear what you need to change to succeed." In rare instances where the inadequacies were so severe I doubted performance could be adequately adjusted, I would say something



like “Life is too short to be miserable at work. This may not turn out to be the best employment fit for your skill-set. If you come to that conclusion that’s okay too. At least you know clearly what is expected of you in order to stay. I promise to give you feedback to know how it’s going. Together we’ll get through this.”

Evaluations are often viewed as a necessary evil; something to get through. Instead, recognize them properly as a long-respected and highly effective tool for enhancing performance and employee motivation.

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