

Patience and good records beat frivolous lawsuits

Some poor performers don't view their problems the same way supervisors do. They often fight back with frivolous lawsuits. Be prepared for those legal salvos by constantly maintaining documentation of employee performance.

Recent case: Charles, who is black and disabled, worked for the Treasury Department. When he was passed over for a pay raise, he sued, alleging race and disability discrimination.

But he admitted he had earned a "fails" rating on his last performance evaluation and that, despite efforts to accommodate his disabilities, he still couldn't do his job.

The court quickly dismissed the lawsuit, based largely on solid documentation of poor performance that the department quickly provided. (*Ikekwere v. Department of the Treasury*, 5th Cir., 2018)