BusinessManagement DAILY

JANUARY 14, 2019

# Time to update the performance review process? Study says yes.

The performance review is getting a makeover, suggests new research from staffing firm OfficeTeam. More than half of companies (51%) have updated their performance appraisals in the past two years.

According to the HR professionals surveyed, top changes include making the process shorter (39%) and increasing the frequency of feedback (36%). A quarter said they had added a peer-to-peer or 360-degree component to the appraisal process. Perhaps most significantly, 20% said they decoupled performance reviews from compensation discussions.

How often are employers holding performance reviews? Seventy-eight percent of HR managers said their company conducts formal staff appraisals at least once a year. Thirty-eight percent have these meetings twice a year or quarterly, an 11-point jump from a similar survey in 2015.

HR managers were asked, “When was the last time your company updated its performance review process?” Their responses:

Within the past year: 29%

1-2 years ago: 22%

3-4 years ago: 24%

5 or more years ago: 6%

Never: 8%

The other 11% said they didn’t have a performance review process.

A full 86% of HR managers said they believe their review process helps improve performance. They said the greatest benefit is motivating staff by focusing on achievements and goals (36%), followed by determining what changes and resources are required and being able to make decisions about merit increases or bonuses (19% each).

*Source: OfficeTeam survey, December 2018*

**ADA: Bosses must address poor performance**

Regardless of how your company implements a performance review, don't let a poor performer get by for a long time. Letting it slide seems easier than insisting on improvement or imposing discipline. But delaying action can trip you up later if the employee later claims a disability and demands reasonable accommodations.

That’s because past performance helps set the standard for future acceptable performance, which defines the


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job’s essential functions. And lax standards will make it harder to prove that a requested accommodation is unreasonable.

Recent case: For 13 years, John was criticized for poor communication, frequent absenteeism and generally poor performance. However, his performance reviews didn’t mention those problems, nor was he ever disciplined for work productivity or absenteeism. He got discretionary pay increases, plus generally positive reviews.

John experienced personal problems and missed even more work. He was referred to an employee assistance program, which recommended taking a time management course.

Then John claimed he was disabled and requested reasonable accommodations: the ability to regularly come in late, plus permission to take days off without prior notice. The employer grudgingly agreed, but John would later claim recriminations followed.

Finally, the employer fired John and he sued, alleging failure to provide reasonable accommodations.

The employer argued that continuing the accommodations wasn’t reasonable and would not allow John to perform the essential functions of his job.

But the court said John’s lawsuit could move forward. It noted that what’s essential can be measured partly by what the employee did in the past. In this case, John had spent at least a decade without much criticism for missing deadlines, being absent often and not communicating well.

The court said since the employer’s past expectations had been low, those could be used to determine the essential functions of John’s job. (Hockenjos v. MTA, Supreme Court, New York County, 2018)


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