

# Top Ten Tips for Effective Performance Evaluations

By Jan Hirsch

Employee performance evaluations can be excellent communication tools or they can be used against employers as evidence of bias, unlawful discrimination or retaliation. The following ten tips are useful in developing and writing evaluations.

**Tip #1: Use the same measurement standards and criteria for all employees performing the same job.**

A thorough analysis of the job will provide criteria consistent with the job description to evaluate performance. In evaluating performance, managers should consider an employee's responsibilities, skills, and whether or not identified goals have been met. If an evaluation has a rating system, any negative remark or an exceptional rating should be supported by specific examples.

**Tip #2: Give accurate evaluations.** Supervisors should not comment on what they do not know for a fact. Employees need and expect a clear understanding of what is expected, their personal strengths, and areas needing improvement.

**Tip #3: Use an employee's last review as a benchmark standard for the next review.** Supervisors should consider the entire year, not just the last few months or one incident or crisis. Evaluate the employee's accomplishments throughout the year and whether or not stated goals were achieved.

**Tip #4: Exercise professionalism in writing and presenting the evaluation.** Measure the employee's performance—not personality traits. Supervisors should keep the evaluation and review process as objective as possible. Address behavior or conduct, not characteristics or personalities. Avoid using terms such as "always," "never," etc.

**Tip #5: Do not give an inflated evaluation.** Evaluations are often scrutinized by the Bureau of Labor and Industries or the Equal Employment Opportunity Commission when employees file claims of discrimination. Employers defending these claims often assert deficient performance as the reason for discharge or layoff. If evaluations are inflated they will appear to be inconsistent with the asserted reason for terminating the employment. Consequently, the credibility of the reason will be questioned.

**Tip #6: Do not make comments about absenteeism if the absences are protected by law (i.e., Workers' Compensation time loss, FMLA or OFLA).** These types of comments can be used against employers as evidence of displeasure about employees engaging in protected activity.

**Tip #7: Do not make promises to an employee on the evaluation.** Circumstances beyond a supervisor's control can and do change. Unfulfilled promises diminish a supervisor's credibility, and in some cases, could form the basis for a breach of contract claim.

**Tip #8: Do not make inconsistent statements or set unattainable goals.** After drafting the evaluation, review it carefully for inconsistent statements. Mixed messages will only confuse employees and can prove embarrassing when supervisors are questioned about them. Setting unattainable goals can result in employees feeling defeated before even beginning to attain them. A successful employee means a successful supervisor or manager. Attainable goals are a win for everyone.

**Tip #9: Do not make remarks about a person's protected status or protected activity.** These types of remarks can be used against employers to show bias or intent to discriminate. Comments such as "he gets along great despite his disability" can be used to form the basis of a "regarded as" disability claim even if the person is not disabled. Personal opinion, bias, or feelings should not influence the evaluation.

**Tip #10: Do not couple the evaluation with discipline.** Discipline for conduct or performance should occur close in time to the occurrence. There should be no surprises during an evaluation conference. A prior disciplinary matter may, however, be reflected in a rating. If discipline is given during the meeting, an employee is less likely to listen and comprehend the rest of the information presented.

Employees, generally, expect to be evaluated. Employers should not avoid giving evaluations as it can cause anxiety, especially if the evaluation is the basis for compensation adjustment. Providing spaces for the employee's comments and action plans for improvement helps employees to be part of the process, thereby gaining their agreement to focus on improvement. Finally, don't forget to sign and date the evaluation. They are not much use in a reduction in force or in defending a claim if the evaluation period and date of evaluation cannot be identified.

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