

Understanding Employee Performance Shifts

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys at Offit Kurman. And today we are talking about performance management in the sense of often, we're very focused on process and making sure we've got policies in place, and all of those things which we still strongly advocate for.

But obviously there is also some I'll just use the word, EQ or common sense that goes along with these processes sometimes, especially as it relates to the fact that we are dealing with human beings when we are managing performance and managing employees. I know that there can sometimes be a hesitancy to be too thoughtful and too and go too far from what the policies are, which is a good thing to keep in mind.

And obviously that gut feeling makes sense 'cause you obviously wanna be... We talk a lot about wanting to make sure things are consistent and consistently applied. But is there a place, Russell, [00:01:00] for some of that more subjective performance management or thoughtfulness around why something might be happening with someone at a performance level?

Russell Berger: It gets easier the more data you have on these employees. So if you know someone's a good employee, they've been a top performer or above average performer for a while, and then all of a sudden they fall off or they, maybe not all of a sudden, but their performance devolves over a relatively quick amount of time.

The reason for that probably has nothing to do with the work environment. Maybe it has something to do with the work environment, but it's probably something going on to the person, right? When someone's got the skills and the work ethic and they've established that and you know that to be true, when you see their performance lag, that light bulb should go off and say, "You know what?

There's probably something that this person is dealing with that's affecting their work performance." It might not have anything to do with work and might not be anything that I can manage at all directly anyway because this person's a good performer and they're not [00:02:00] performing right now. Maybe they're struggling with something.

And, as you mentioned, Sarah, we don't wanna start prying into health issues or other things that might get us in trouble from a legal standpoint, but I do think it's an appropriate thing to check in with folks and much easier if you've already built a relationship and a culture of trust with them.

But if you can check in with them and see how's everything going, anything, in the way, are you struggling with anything? Various versions of that type of conversation I think can be really effective. And then, to the extent you can solve or at least help from a work perspective, you might be able to direct someone to your EAP or other resources, or you might be able to make some changes to the work schedule, the workflow that help get back on track

Sarah Sawyer: Yeah, and I think something that you said, Russell, that's really great to flag is around I always joke that we talk so much about proactivity on here, but this is another example

of that, where knowing your people training your managers in knowing them and understanding, who your employees are can be a really [00:03:00] important function of this.

And really being consistent with check-ins and trying to spot issues prior to them becoming a performance issue is a great practice, both from a risk-to-your-business perspective, but also just to try to get ahead of those types of things so you can address them instead of having to address it in a performance lens of having to put someone on a PIP or having to, formally reprimand them because something bad has now happened, especially for your high performers.

If you can get ahead of that, that's a great way to have to be able to stay out of that system, and then also you don't have, any of the consequences of that poor performance. Someone might be under a lot of stress, and then all of a sudden they, just explode on someone or something, right?

And that's not good for culture. It's not good if it's external, obviously, for reputation. So there's a lot of reasons to really stay on top of that and be able to understand, well, wait, this is out of the norm. What's happening? 'Cause obviously life happens. The more employees you have, the more likelihood you have at [00:04:00] any given time that someone's going through something personal and understandable likely, depending on what it is.

So these are just-

Russell Berger: Yeah ...

Sarah Sawyer: definitely things you don't want to completely ignore.

Russell Berger: Yeah, we dealt with it a ton around the pandemic because everyone was going through their own versions, but caused by the same thing, of, personal struggle, anxiety, stress, family issues. It was all being exacerbated by the same cause, and everyone's feeling it at the same time, and it gave us this greater empathy to understand okay, well, I'm not the only one dealing with this.

And fortunately we're not in a pandemic right now, and we hope we never are again. That lesson, like everyone is always dealing with something. It, might not be from the same cause or have the same point of origin, everyone's got their stuff and they're working through things all the time.

So being aware of that, being conscious of that as a manager can be really helpful.

Sarah Sawyer: Yeah. Well, great advice. Thanks Russell, and we'll see you next time.

Russell Berger: Thanks, Sarah.