

## **Case study: Performance Appraisals**

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*A doctor discharged a staff member who had been working for him for nine months. She then claimed that her civil rights were violated and that she was discriminated against because of her age. She was 46 years old. During an investigation, the doctor was asked to provide copies of her performance evaluations to justify the contention that the discharge was based on her performance, not her age. No performance evaluations had been given to any employees. This claim led to an out-of-court settlement.*

### ***Considerations***

**The employee had been with the doctor for nine months and had not received a performance appraisal. She claimed that she was not aware that her performance was not satisfactory and was surprised when she was terminated. She alleged that the sole reason for her discharge was her age — that the doctor wanted to hire a younger person. The doctor said she had been warned on several occasions, but nothing had been documented.**

This is not an isolated incident; such claims are made against doctors every day. What can you do to prevent this from happening?

## *Solutions*

**Make sure that a discharge does not come as a surprise to an employee. One way to prevent this is to conduct written performance appraisals on a regular basis and provide ongoing, constructive feedback as close to the notable work behavior as feasible.**

A good performance review program should:

- (1) Provide data for use in wage adjustments, promotions, reassignments, disciplinary actions, and/or discharge.
- (2) Provide objective, factual evaluations of an employee's performance, rather than a snap judgment.
- (3) Improve employees' job satisfaction and morale by communicating interest in their progress and personal development.
- (4) Provide information regarding an employee's need for training.
- (5) Provide a forum for setting goals and performance standards for the next year or appraisal period.
- (6) Provide an opportunity for each employee to discuss job problems and interests.

**How often should you do performance appraisals?** We recommend that a new employee be given a performance appraisal after approximately four weeks and again eleven weeks from the date of hire. Committing to this forces you to more closely observe a new employee's performance during the first few weeks, recognizing that it is safer to let someone go during the orientation and training period rather than later. Using a form such as our "New Employee Progress Report" covering a

few essential performance factors will serve this purpose and the meeting with the employee should take very little time. The employee should be evaluated on how well he or she has performed key duties and accountabilities. Performance factors usually are derived from the employee's job description.

**A more complete review, using a standard format for consistency like our "Performance Appraisal Form" covering such items as quality and quantity of work, job knowledge, and staff and patient relations, should be conducted approximately once a year.** Each of these items may have some subsections that record levels of performance. For example, you might have a range of one to five, with a three denoting satisfactory performance and a one equating to "understands all facets of the work and has complete mastery of duties — carries them out effectively." A score of five would equate to "lacks sufficient understanding and skills of job functions to perform duties in a satisfactory manner."

**A note of caution: Many employers arrive at an overall rating of satisfactory, even though the performance is far from acceptable in one category. This is a mistake!** Do not provide an overall rating. If you do — and later have to justify why you discharged an employee — the authorities will only look at the overall satisfactory rating and wonder why you discharged a satisfactory employee. **Evaluations must be job-related, balanced, and candid in presenting constructive guidance regarding performance deficiencies.**

Contact our office to obtain a copy of the staff performance reports and forms mentioned in this column.

Bent Ericksen is the founder and Tim Twigg is the president of Bent Ericksen and Associates. For over 25 years, the company has been a leading authority in human resources and personnel issues, helping dentists successfully deal with the ever-changing and complex labor

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